S T A T E O F N E W Y O R K

3665

2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the maximum weekly benefits payable to disabled employees and employee contributions for disability benefits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 2 of section 204 of the workers' compensation law, as amended by chapter 38 of the laws of 1989, is amended to read as follows:

2. THE WEEKLY BENEFIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL BE ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FIFTY PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE COMMISSIONER; EXCEPT THAT IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS LESS THAN TWENTY DOLLARS, THE BENEFIT SHALL BE SUCH AVERAGE WEEKLY WAGE. THE WEEKLY BENEFIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN SHALL BE ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FORTY PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE COMMISSIONER; EXCEPT THAT IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS LESS THAN TWENTY DOLLARS, THE BENEFIT SHALL BE SUCH AVERAGE WEEKLY WAGE. THE WEEKLY BENEFIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN SHALL BE ONE-HALF OF THE EMPLOYEE'S WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED THIRTY-FIVE PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE COMMISSIONER; EXCEPT THAT IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS LESS THAN TWENTY DOLLARS, THE BENEFIT SHALL BE SUCH AVERAGE WEEKLY WAGE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD08377-01-5

The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after May first, nineteen hundred eighty-nine shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred seventy dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-four shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred forty-five dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-three and prior to July first, nineteen hundred eighty-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed one hundred thirty-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy-four, and prior to July first, nineteen hundred eighty-three, shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed ninety-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy and prior to July first, nineteen hundred seventy-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed seventy-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. For any period of disability less than a full week, the benefits payable shall be calculated by dividing the weekly benefit by the number of the employee's normal work days per week and multiplying the quotient by the number of normal work days in such period of disability. The weekly benefit for a disabled employee who is concurrently eligible for benefits in the employment of more than one covered employer shall, within the maximum and minimum herein provided, be one-half of the total of the employee's average weekly wages received from all such covered employers, and shall be allocated in the proportion of their respective average weekly wage payments.

S 2. Subdivision 3 of section 209 of the workers' compensation law, as amended by chapter 415 of the laws of 1983, is amended to read as follows:

3. The contribution of each such employee to the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages paid to him OR HER on and after July first, nineteen hundred fifty AND BEFORE JANUARY FIRST, TWO THOUSAND SIXTEEN, but not excess of sixty cents per week. FOR EACH CALENDAR YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, THE CONTRIBUTION OF EACH SUCH EMPLOYEE TO THE COST OF DISABILITY BENEFITS PROVIDED IN THIS ARTICLE SHALL BE AN AMOUNT ANNUALLY DETERMINED, IN REGULATION, BY THE SUPERINTENDENT OF FINANCIAL SERVICES.

S 3. This act shall take effect immediately.