

5329

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

Introduced by Sen. ORTT -- 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 coverage for members of the worker cooperative

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

- 1 Section 1. Section 54 of the workers' compensation law is amended by  
2 adding a new subdivision 9 to read as follows:  
3 9. A. ALL MEMBERS, DIRECTORS AND EXECUTIVE OFFICERS OF A WORKER COOP-  
4 ERATIVE AS DEFINED IN ARTICLE FIVE-A OF THE COOPERATIVE CORPORATION LAW  
5 SHALL BE EXCLUDED FROM THE COVERAGE OF THIS CHAPTER UNLESS ANY ONE OR  
6 MORE OF THE MEMBERS, DIRECTORS OR EXECUTIVE OFFICERS ELECT OR ELECTS TO  
7 BE COVERED. SUCH COVERAGE MAY BE EFFECTED BY OBTAINING AN INSURANCE  
8 POLICY OR, IN THE CASE OF SELF-INSURANCE, BY THE COOPERATIVE SUBMITTING  
9 A FORM PRESCRIBED BY THE CHAIR OF THE WORKERS' COMPENSATION BOARD,  
10 GIVING NOTICE THAT THE COOPERATIVE ELECTS TO BRING ONE OR MORE OF THE  
11 MEMBERS, DIRECTORS OR EXECUTIVE OFFICERS OF SUCH COOPERATIVE NAMED IN  
12 THE NOTICE WITHIN THE COVERAGE OF THIS CHAPTER. IF ANY MEMBER, DIRECTOR  
13 OR EXECUTIVE OFFICER DOES ELECT TO BE COVERED BY THE PROVISIONS OF THIS  
14 CHAPTER, ANY PREMIUM FOR SUCH MEMBER, DIRECTOR OR EXECUTIVE OFFICER  
15 SHALL BE CALCULATED BASED UPON ACTUAL WEEKLY WAGES EARNED BY THE MEMBER,  
16 DIRECTOR OR EXECUTIVE OFFICER AND ANY MINIMUM WEEKLY REMUNERATION FOR  
17 EXECUTIVE OFFICERS OR OTHER MINIMUM AMOUNTS SHALL NOT APPLY.  
18 B. THE MEMBERS, DIRECTORS AND EXECUTIVE OFFICERS OF A WORKER COOPER-  
19 ATIVE BROUGHT WITHIN THE COVERAGE OF THE INSURANCE CONTRACT, AND THE  
20 DEPENDENTS OF ANY SUCH MEMBER, DIRECTOR OR EXECUTIVE OFFICER SHALL HAVE  
21 THE SAME RIGHTS AND REMEDIES AS AN EMPLOYEE OR HIS DEPENDENTS AND SHALL  
22 BE ENTITLED TO COMPENSATION AND MEDICAL CARE AS PROVIDED BY THIS CHAPTER  
23 AND THE INSURANCE CARRIER SHALL BE LIABLE THEREFOR AND FOR PAYMENTS INTO  
24 SPECIAL FUNDS PROVIDED IN THIS CHAPTER AS IN THE CASE OF AN EMPLOYEE.  
25 S 2. This act shall take effect immediately.

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

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