

STATE OF NEW YORK

1324

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. CRESPO -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to schedule in case of disability

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 6 of section 15 of the workers' compensation law, as amended by section 7-a of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

(a) Compensation for permanent or temporary total disability due to an accident or disablement resulting from an occupational disease that occurs, (1) on or after January first, nineteen hundred seventy-eight, shall not exceed one hundred twenty-five dollars per week, that occurs (2) on or after July first, nineteen hundred seventy-eight, shall not exceed one hundred eighty dollars per week, that occurs (3) on or after January first, nineteen hundred seventy-nine, shall not exceed two hundred fifteen dollars per week, that occurs (4) on or after July first, nineteen hundred eighty-three, shall not exceed two hundred fifty-five dollars per week, that occurs (5) on or after July first, nineteen hundred eighty-four, shall not exceed two hundred seventy-five dollars per week, that occurs (6) on or after July first, nineteen hundred eighty-five, shall not exceed three hundred dollars per week, that occurs (7) on or after July first, nineteen hundred ninety, shall not exceed three hundred forty dollars per week; and in the case of temporary total disability shall not be less than thirty dollars per week and in the case of permanent total disability shall not be less than twenty dollars per week except that if the employee's wages at the time of injury are less than thirty or twenty dollars per week respectively, he or she shall receive his or her full weekly wages. Compensation for permanent or temporary partial disability due to an accident or disablement resulting from an occupational disease that occurs (1) on

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

LBD07746-01-9

1 or after January first, nineteen hundred seventy-eight, shall not exceed
2 one hundred five dollars per week, that occurs (2) on or after July
3 first, nineteen hundred eighty-three, shall not exceed one hundred twen-
4 ty-five dollars per week, that occurs (3) on or after July first, nine-
5 teen hundred eighty-four, shall not exceed one hundred thirty-five
6 dollars per week, that occurs (4) on or after July first, nineteen
7 hundred eighty-five, shall not exceed one hundred fifty dollars per
8 week, that occurs (5) on or after July first, nineteen hundred ninety,
9 shall not exceed two hundred eighty dollars per week; nor be less than
10 twenty dollars per week; except that if the employee's wages at the time
11 of injury are less than twenty dollars per week, he or she shall receive
12 his or her full weekly wages. In no event shall compensation when
13 combined with decreased earnings or earning capacity exceed the amount
14 of wages which the employee was receiving at the time the injury
15 occurred. Compensation for permanent or temporary partial disability, or
16 for permanent or temporary total disability due to an accident or disa-
17 blement resulting from an occupational disease that occurs (1) on or
18 after July first, nineteen hundred ninety-one and prior to July first,
19 nineteen hundred ninety-two, shall not exceed three hundred fifty
20 dollars per week; (2) on or after July first, nineteen hundred ninety-
21 two, shall not exceed four hundred dollars per week; nor be less than
22 forty dollars per week except that if the employee's wages at the time
23 of injury are less than forty dollars per week, the employee shall
24 receive his or her full wages. Compensation for permanent or temporary
25 partial disability, or for permanent or temporary total disability due
26 to an accident or disablement resulting from an occupational disease
27 that occurs (1) on or after July first, two thousand seven shall not
28 exceed five hundred dollars per week, (2) on or after July first, two
29 thousand eight shall not exceed five hundred fifty dollars per week, (3)
30 on or after July first, two thousand nine shall not exceed six hundred
31 dollars per week, and (4) on or after July first, two thousand ten, and
32 on or after July first of each succeeding year, shall not exceed two-
33 thirds of the New York state average weekly wage for the year in which
34 it is reported. Compensation for permanent or temporary partial disabil-
35 ity, or for permanent or temporary total disability due to an accident
36 or disablement resulting from an occupational disease that occurs on or
37 after July first, two thousand seven shall not be less than one hundred
38 dollars per week except that if the employee's wages at the time of
39 injury are less than one hundred dollars per week, the employee shall
40 receive his or her full wages. Compensation for permanent or temporary
41 partial disability, or for permanent or temporary total disability due
42 to an accident or disablement resulting from an occupational disease
43 that occurs on or after May first, two thousand thirteen shall not be
44 less than one hundred fifty dollars per week except that if the employ-
45 ee's wages at the time of injury are less than one hundred fifty dollars
46 per week, the employee shall receive his or her full wages. Compensation
47 for permanent or temporary partial disability, or for permanent or
48 temporary total disability due to an accident or disablement resulting
49 from an occupational disease that occurs on or after the effective date
50 of the chapter of the laws of two thousand nineteen that amended this
51 paragraph shall not be less than one-fifth of the New York state average
52 weekly wage except that if the employee's weekly wages are equal to or
53 less than one-fifth of the New York state average weekly wage, the
54 employee shall receive his or her full wages. In no event shall compen-
55 sation when combined with decreased earnings or earning capacity exceed
56 the amount of wages the employee was receiving at the time the injury

1 occurred. Compensation for permanent or temporary partial disability, or
2 for permanent or temporary total disability due to an accident or disa-
3 blement resulting from an occupational disease or injury that occurred
4 as a result of World Trade Center rescue activity by an employee of a
5 private voluntary hospital, who passed a physical examination upon
6 employment as a rescue worker that failed to reveal evidence of a condi-
7 tion that was the proximate cause of disablement or occupational disease
8 or injury, shall not exceed three-quarters of a claimant's wage on
9 September eleventh, two thousand one. In no event shall compensation
10 when combined with decreased earnings or earning capacity exceed the
11 amount of wages the employee was receiving on September eleventh, two
12 thousand one.

13 § 2. This act shall take effect immediately.