

STATE OF NEW YORK

8086--A

IN SENATE

March 17, 2020

Introduced by Sens. BROOKS, PARKER, PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to increasing the amount of certain benefits

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

1 Section 1. Section 8 of the volunteer firefighters' benefit law, as
2 amended by chapter 401 of the laws of 2016, is amended to read as
3 follows:
4 § 8. Permanent total disability benefits. In the case of total disa-
5 bility adjudged to be permanent the volunteer firefighter shall be paid
6 ~~[six]~~ twelve hundred dollars for each week during the continuance there-
7 of. Permanent total disability, within the meaning of this section,
8 shall exist only if the earning capacity of the volunteer firefighter
9 has been lost permanently and totally as the result of the injury. The
10 loss of both hands, or both arms, or both feet, or both legs, or both
11 eyes, or any two thereof, shall, in the absence of conclusive proof to
12 the contrary, constitute permanent total disability, but in all other
13 cases permanent total disability shall be determined in accordance with
14 the facts. Notwithstanding any other provisions of this chapter, an
15 injured volunteer firefighter disabled due to the loss or total loss of
16 use of both eyes, or both hands, or both arms, or both feet, or both
17 legs, or any two thereof shall not suffer any diminution of such weekly
18 benefit by engaging in business or employment provided his or her weekly
19 earnings or wages, when combined with his or her weekly benefit shall
20 not be in excess of ~~[eight]~~ sixteen hundred dollars; and further
21 provided that the application of this section shall not result in
22 reduction of benefits which an injured volunteer firefighter who is
23 disabled due to the loss or total loss of use of both eyes, or both
24 hands, or both arms, or both feet, or both legs, or any two thereof

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

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1 would otherwise be entitled to under any other provisions of this arti-
2 cle.

3 § 2. Section 9 of the volunteer firefighters' benefit law, as amended
4 by chapter 924 of the laws of 1990, is amended to read as follows:

5 § 9. Temporary total disability benefits. In the case of temporary
6 total disability the volunteer firefighter shall be paid one hundred
7 twenty-five dollars for each week during the continuance thereof;
8 provided, however, that when the volunteer firefighter is injured in the
9 line of duty on or after July first, nineteen hundred seventy-eight to
10 December thirty-first, nineteen hundred seventy-eight, said firefighter
11 shall receive one hundred eighty dollars per week during the continuance
12 thereof; and further provided, that when the volunteer firefighter is
13 injured in the line of duty on or after January first, nineteen hundred
14 seventy-nine to June thirtieth, nineteen hundred eighty-three, said
15 firefighter shall receive two hundred fifteen dollars per week during
16 the continuance thereof; and further provided, that when the volunteer
17 firefighter is injured in the line of duty on or after July first, nine-
18 teen hundred eighty-three to June thirtieth, nineteen hundred eighty-
19 four, said firefighter shall receive two hundred fifty-five dollars per
20 week during the continuance thereof; and further provided, that when the
21 volunteer firefighter is injured in the line of duty on or after July
22 first, nineteen hundred eighty-four to June thirtieth, nineteen hundred
23 eighty-five, said firefighter shall receive two hundred seventy-five
24 dollars per week during the continuance thereof; and further provided,
25 that when the volunteer firefighter is injured in the line of duty on or
26 after July first, nineteen hundred eighty-five to June thirtieth, nine-
27 teen hundred ninety, said firefighter shall receive three hundred
28 dollars per week during the continuance thereof; and further provided,
29 that when the volunteer firefighter is injured in the line of duty on or
30 after July first, nineteen hundred ninety to June thirtieth, nineteen
31 hundred ninety-one, said firefighter shall receive three hundred forty
32 dollars per week during the continuance thereof; and further provided,
33 that when a volunteer firefighter is injured in the line of duty on or
34 after July first, nineteen hundred ninety-one to June thirtieth, nine-
35 teen hundred ninety-two, said firefighter shall receive three hundred
36 fifty dollars per week during the continuance thereof; and further
37 provided, that when a volunteer firefighter is injured in the line of
38 duty on or after July first, nineteen hundred ninety-two, said fire-
39 fighter shall receive four hundred dollars per week during the contin-
40 uance thereof, provided, however, that when the volunteer firefighter
41 is injured in the line of duty on or after March first, two thou-
42 sand twenty such payment shall be eight hundred dollars for each week
43 during the continuance thereof. Temporary total disability, within the
44 meaning of this section, shall exist only if the earning capacity of the
45 volunteer firefighter has been lost temporarily and totally as the
46 result of the injury. In case of temporary total disability and perma-
47 nent partial disability both resulting from the same injury, if the
48 temporary total disability continues for a longer period than the number
49 of weeks set forth in the following schedule, the period of temporary
50 total disability in excess of such number of weeks shall be added to the
51 period provided in section ten of this article: arm, thirty-two weeks;
52 leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear,
53 twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first
54 finger, eighteen weeks; great toe, twelve weeks; second finger, twelve
55 weeks; third finger, eight weeks; fourth finger, eight weeks; toe other
56 than great toe, eight weeks. In any case resulting in loss or partial

1 loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe,
 2 where the temporary total disability does not extend beyond the periods
 3 above mentioned for such injury, benefits shall be limited to the sched-
 4 ule contained in section ten of this article.

5 § 3. Section 10 of the volunteer firefighters' benefit law, subdivi-
 6 sion 1 as amended by chapter 175 of the laws of 1962, the opening para-
 7 graph of subdivision 1 as amended by chapter 21 of the laws of 1991,
 8 paragraph (d) of subdivision 1 as amended by chapter 604 of the laws of
 9 1989, subdivision (e) of subdivision 1 and subparagraphs 1 and 2 of
 10 paragraph (g) of subdivision 1 as amended by chapter 924 of the laws of
 11 1990, paragraph (g) of subdivision 1 as amended by chapter 584 of the
 12 laws of 1974, the opening subparagraph and subparagraph 4 of paragraph
 13 (g) of subdivision 1 and subdivision 3 as amended by chapter 476 of the
 14 laws of 2018, is amended to read as follows:

15 § 10. Permanent partial disability benefits. 1. In the case of disa-
 16 bility partial in character, but permanent in quality, the volunteer
 17 firefighter shall be paid ninety-five dollars for each week for the
 18 period specified in this subdivision, provided, however, that when the
 19 volunteer firefighter is injured in the line of duty on or after January
 20 first, nineteen hundred seventy-eight to June thirtieth, nineteen
 21 hundred eighty-three, such payment shall be one hundred five dollars for
 22 each week, and further provided that when a volunteer firefighter is
 23 injured in the line of duty on or after July first, nineteen hundred
 24 eighty-three to and including June thirtieth, nineteen hundred eighty-
 25 four, such payments shall be one hundred twenty-five dollars for each
 26 week and provided further that when the volunteer firefighter is injured
 27 in the line of duty on or after July first, nineteen hundred eighty-four
 28 to and including June thirtieth, nineteen hundred eighty-five such
 29 payments shall be one hundred thirty-five dollars for each week and
 30 provided further that when the volunteer firefighter is injured in the
 31 line of duty on or after July first, nineteen hundred eighty-five to and
 32 including June thirtieth, nineteen hundred ninety such payments shall be
 33 one hundred fifty dollars for each week, and provided further that when
 34 the volunteer firefighter is injured in the line of duty on or after
 35 July first, nineteen hundred ninety to and including June thirtieth,
 36 nineteen hundred ninety-one such payments shall be two hundred eighty
 37 dollars for each week, and provided further that when the volunteer
 38 firefighter is injured in the line of duty on or after July first, nine-
 39 teen hundred ninety-one to and including June thirtieth, nineteen
 40 hundred ninety-two such payments shall be three hundred fifty dollars
 41 for each week, and provided further that when the volunteer firefighter
 42 is injured in the line of duty on or after July first, nineteen hundred
 43 ninety-two such payments shall be four hundred dollars for each week,
 44 provided, however, that when the volunteer firefighter is injured in the
 45 line of duty on or after March first, two thousand twenty such payment
 46 shall be eight hundred dollars for each week as follows:

47 (a) Loss of member.

48 Member lost	Number of weeks
49 Arm	312
50 Leg	288
51 Hand	244
52 Foot	205
53 Eye	160
54 Thumb	75
55 First finger	46

1	Great toe	38
2	Second finger	30
3	Third finger	25
4	Toe other than great toe	16
5	Fourth finger	15

6 If more than one phalange of a digit shall be lost, the period shall be
7 the same as for the loss of the entire digit. If only the first phalange
8 shall be lost, the period shall be one-half the period for loss of the
9 entire digit. The period for loss or loss of use of two or more digits,
10 or one or more phalanges of two or more digits, of a hand or foot, may
11 be proportioned to the period for the loss of use of the hand or foot
12 occasioned thereby, but shall not exceed the period for the loss of a
13 hand or foot. If an arm or leg shall be amputated at or above the wrist
14 or ankle, the period for such loss shall be in proportion to the period
15 for the loss of the arm or leg. In the case of loss of binocular vision
16 or of eighty per centum or more of the vision of an eye, the period
17 shall be the same as for the loss of the eye.

18 (b) Loss of hearing. In the case of the complete loss of the hearing
19 of one ear, sixty weeks; for the loss of hearing of both ears, one
20 hundred fifty weeks.

21 (c) Total loss of use. In the case of permanent total loss of use of a
22 member, the period shall be the same as for the loss of the member.

23 (d) Partial loss or partial loss of use. Except as above provided in
24 this subdivision, in the case of permanent partial loss or loss of use
25 of a member, the period shall be for the proportionate loss or loss of
26 use of the member. Compensation for permanent partial loss of use of an
27 eye shall be awarded on the basis of uncorrected loss of vision or
28 corrected loss of vision resulting from an injury whichever is the
29 greater.

30 (e) Disfigurement. In the case of serious facial or head disfigure-
31 ment, including a disfigurement continuous in length which is partly in
32 the facial area and also extends into the neck region as described in
33 this paragraph, the volunteer firefighter shall be paid in a lump sum a
34 proper and equitable amount, which shall be determined by the workers'
35 compensation board. If the earning capacity of the volunteer firefighter
36 shall have been impaired, or may in the future be impaired, by any seri-
37 ous disfigurement in the region above the sterno clavicular artic-
38 ulations anterior to and including the region of the sterno cleido
39 mastoid muscles on either side, the volunteer firefighter shall be paid
40 in a lump sum a proper and equitable amount which shall be determined by
41 such board. Two or more serious disfigurements, not continuous in
42 length, resulting from the same injury, if partially in the facial area
43 and partially in such neck region, shall be deemed to be a facial
44 disfigurement. An award, or the aggregate of the awards, to a volunteer
45 firefighter under this paragraph shall not exceed [~~twenty~~] **forty** thou-
46 sand dollars.

47 (f) Total or partial loss or loss of use of more than one member. In
48 any case in which there shall be a loss or loss of use of more than one
49 member or parts of more than one member set forth above in paragraphs a
50 to e, both inclusive, of this subdivision, but not amounting to perma-
51 nent total disability, the periods for loss or loss of use of each such
52 member or part thereof shall run consecutively.

53 (g) Other cases. In all other cases of permanent partial disability
54 the volunteer firefighter shall be paid for each week during the contin-
55 uance thereof, as follows:

1 1. If the percentage of loss of earning capacity is seventy-five per
2 centum, or greater, he or she shall be paid ninety-five dollars for each
3 week, provided, however, that when the volunteer firefighter is injured
4 in the line of duty on or after January first, nineteen hundred seven-
5 ty-eight to and including June thirtieth, nineteen hundred eighty-three,
6 such payment shall be one hundred five dollars for each week provided,
7 however, that when the volunteer firefighter is injured in the line of
8 duty on or after July first, nineteen hundred eighty-three to and
9 including June thirtieth, nineteen hundred eighty-four, such payment
10 shall be one hundred twenty-five dollars for each week provided, howev-
11 er, that when the volunteer firefighter is injured in the line of duty
12 on or after July first, nineteen hundred eighty-four to and including
13 June thirtieth, nineteen hundred eighty-five such payment shall be one
14 hundred thirty-five dollars for each week, provided, however, that when
15 the volunteer firefighter is injured in the line of duty on or after
16 July first, nineteen hundred eighty-five to and including June thirti-
17 eth, nineteen hundred ninety such payment shall be one hundred fifty
18 dollars for each week, provided, however, that when the volunteer fire-
19 fighter is injured in the line of duty on or after July first, nineteen
20 hundred ninety to and including June thirtieth, nineteen hundred nine-
21 ty-one such payment shall be two hundred eighty dollars for each week,
22 and provided further that when the volunteer firefighter is injured in
23 the line of duty on or after July first, nineteen hundred ninety-one to
24 and including June thirtieth, nineteen hundred ninety-two such payment
25 shall be three hundred fifty dollars for each week, and provided further
26 that when the volunteer firefighter is injured in the line of duty on or
27 after July first, nineteen hundred ninety-two such payment shall be four
28 hundred dollars for each week; provided, however, that when the volun-
29 teer firefighter is injured in the line of duty on or after March first,
30 two thousand twenty such payment shall be eight hundred dollars for each
31 week;

32 2. If the percentage of loss of earning capacity is fifty per centum,
33 or greater, but less than seventy-five per centum, he or she shall be
34 paid sixty-three dollars and thirty-three cents for each week, provided,
35 however, that when the volunteer firefighter is injured in the line of
36 duty on or after January first, nineteen hundred seventy-eight to and
37 including June thirtieth, nineteen hundred eighty-three, such payment
38 shall be seventy dollars for each week, provided, however, that when the
39 volunteer firefighter is injured in the line of duty on or after July
40 first, nineteen hundred eighty-three to and including June thirtieth,
41 nineteen hundred eighty-four such payment shall be eighty-three dollars
42 and thirty-three cents for each week, provided, however, that when the
43 volunteer firefighter is injured in the line of duty on or after July
44 first, nineteen hundred eighty-four, to and including June thirtieth,
45 nineteen hundred eighty-five, such payment shall be ninety dollars for
46 each week, provided, however, that when the volunteer firefighter is
47 injured in the line of duty on or after July first, nineteen hundred
48 eighty-five to and including June thirtieth, nineteen hundred ninety
49 such payment shall be one hundred dollars for each week, provided,
50 however, that when the volunteer firefighter is injured in the line of
51 duty on or after July first, nineteen hundred ninety to and including
52 June thirtieth, nineteen hundred ninety-one such payment shall be one
53 hundred eighty-six dollars and seventy-six cents for each week,
54 provided, however, that when the volunteer firefighter is injured in the
55 line of duty on or after July first, nineteen hundred ninety-one to and
56 including June thirtieth, nineteen hundred ninety-two such payment shall

1 be two hundred thirty-four dollars and fifty cents for each week,
2 provided, however, that when the volunteer firefighter is injured in the
3 line of duty on or after July first, nineteen hundred ninety-two such
4 payment shall be two hundred sixty-eight dollars for each week,
5 provided, however, that when the volunteer firefighter is injured in the
6 line of duty on or after March first, two thousand twenty, such payment
7 shall be five hundred thirty-six dollars for each week;

8 3. If the percentage of loss of earning capacity is twenty-five per
9 centum, or greater, but less than fifty per centum, he shall be paid
10 [~~thirty~~] sixty dollars for each week;

11 4. If the percentage of loss of earning capacity is less than twenty-
12 five per centum, he or she shall not be paid any weekly benefit. Perma-
13 nent partial disability, within the meaning of this paragraph, shall
14 exist only if the earning capacity of the volunteer firefighter has been
15 permanently and partially lost as the result of the injury. The workers'
16 compensation board shall determine the degree of such disability and
17 such board may reconsider such degree on its own motion or upon applica-
18 tion of any party in interest.

19 2. An award made to a claimant under this section shall in case of
20 death arising from causes other than the injury be payable to and for
21 the benefit of the persons following:

22 (a) If there be a surviving spouse and no child of the deceased under
23 the age of eighteen years, to such spouse.

24 (b) If there be a surviving spouse and surviving child or children of
25 the deceased under the age of eighteen years, one-half shall be payable
26 to the surviving spouse and the other half to the surviving child or
27 children.

28 (c) If there be a surviving child or children of the deceased under
29 the age of eighteen years, but no surviving spouse, then to such child
30 or children.

31 (d) If there be no surviving spouse and no surviving child or children
32 of the deceased under the age of eighteen years, then to such dependent
33 or dependents as defined in section seven of this chapter, as directed
34 by the [~~workmen's~~] workers' compensation board; and if there shall be no
35 such dependents, then to the estate of such deceased in an amount not
36 exceeding reasonable funeral expenses as provided in subdivision one of
37 section seven of this chapter, or, if there be no estate, to the person
38 or persons paying the funeral expenses of such deceased in an amount not
39 exceeding reasonable funeral expenses as provided in such subdivision
40 one.

41 3. An award for disability may be made after the death of the volun-
42 teer firefighter.

43 § 4. Subdivision 1 of section 11 of the volunteer firefighters' bene-
44 fit law, as amended by chapter 924 of the laws of 1990, is amended to
45 read as follows:

46 1. If the percentage of loss of earning capacity is seventy-five per
47 centum, or greater, he or she shall be paid ninety-five dollars for each
48 week, provided, however, that when the volunteer firefighter is injured
49 in the line of duty on or after January first, nineteen hundred seven-
50 ty-eight to and including June thirtieth, nineteen hundred eighty-three,
51 such payment shall be one hundred five dollars for each week, provided,
52 however, that when the volunteer firefighter is injured in the line of
53 duty on or after July first, nineteen hundred eighty-three to and
54 including June thirtieth, nineteen hundred eighty-four, such payment
55 shall be one hundred twenty-five dollars for each week, provided, howev-
56 er, that when the volunteer firefighter is injured in the line of duty

1 on or after July first, nineteen hundred eighty-four to and including
2 June thirtieth, nineteen hundred eighty-five, such payment shall be one
3 hundred thirty-five dollars for each week, provided, however, that when
4 the volunteer firefighter is injured in the line of duty on or after
5 July first, nineteen hundred eighty-five to and including June thirti-
6 eth, nineteen hundred ninety such payment shall be one hundred fifty
7 dollars for each week, provided, however, that when the volunteer fire-
8 fighter is injured in the line of duty on or after July first, nineteen
9 hundred ninety to and including June thirtieth, nineteen hundred nine-
10 ty-one such payment shall be two hundred eighty dollars for each week,
11 provided, however, that when the volunteer firefighter is injured in the
12 line of duty on or after July first, nineteen hundred ninety-one to and
13 including June thirtieth, nineteen hundred ninety-two such payment shall
14 be three hundred fifty dollars for each week, provided, however, that
15 when the volunteer firefighter is injured in the line of duty on or
16 after July first, nineteen hundred ninety-two such payment shall be four
17 hundred dollars for each week; provided, however, that when the volun-
18 teer firefighter is injured in the line of duty on or after March first,
19 two thousand twenty such payment shall be eight hundred dollars for
20 each week;

21 § 5. Section 8 of the volunteer ambulance workers' benefit law, as
22 amended by chapter 401 of the laws of 2016, is amended to read as
23 follows:

24 § 8. Permanent total disability benefits. In the case of total disa-
25 bility adjudged to be permanent the volunteer ambulance worker shall be
26 paid [~~six~~] twelve hundred dollars for each week during the continuance
27 thereof. Permanent total disability, within the meaning of this section,
28 shall exist only if the earning capacity of the volunteer ambulance
29 worker has been lost permanently and totally as the result of the inju-
30 ry. The loss of both hands, or both arms, or both feet, or both legs, or
31 both eyes, or any two thereof, shall, in the absence of conclusive proof
32 to the contrary, constitute permanent total disability, but in all other
33 cases permanent total disability shall be determined in accordance with
34 the facts. Notwithstanding any other provisions of this chapter, an
35 injured volunteer ambulance worker disabled due to the loss or total
36 loss of use of both eyes, or both hands, or both arms, or both feet, or
37 both legs, or any two thereof shall not suffer any diminution of such
38 weekly benefit by engaging in business or employment provided his or her
39 weekly earnings or wages, when combined with his weekly benefit shall
40 not be in excess of [~~eight~~] sixteen hundred dollars; and further
41 provided that the application of this section shall not result in
42 reduction of benefits which an injured volunteer ambulance worker who is
43 disabled due to the loss or total loss of use of both eyes, or both
44 hands, or both arms, or both feet, or both legs, or any two thereof
45 would otherwise be entitled to under any other provisions of this arti-
46 cle.

47 § 6. Section 9 of the volunteer ambulance workers' benefit law, as
48 amended by chapter 924 of the laws of 1990, is amended to read as
49 follows:

50 § 9. Temporary total disability benefits. In the case of temporary
51 total disability the volunteer ambulance worker shall be paid three
52 hundred dollars for each week during the continuance thereof; provided,
53 however, that when the volunteer ambulance worker is injured in the line
54 of duty on or after the effective date of this chapter to June thirti-
55 eth, nineteen hundred ninety; further provided, that when the volunteer
56 ambulance worker is injured in the line of duty on or after July first,

19 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one, said ambulance worker shall receive three hundred forty dollars per week during the continuance thereof, and further provided, that when a volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-one to June thirtieth, nineteen hundred ninety-two, said ambulance worker shall receive three hundred fifty dollars per week during the continuance thereof; provided further that when a volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-two such ambulance worker shall be paid four hundred dollars for each week during the continuance thereof; provided further that when a volunteer ambulance worker is injured in the line of duty on or after March first, two thousand twenty such ambulance worker shall be paid eight hundred dollars for each week during the continuance thereof. Temporary total disability, within the meaning of this section, shall exist only if the earning capacity of the volunteer ambulance worker has been lost temporarily and totally as the result of the injury. In case of temporary total disability and permanent partial disability both resulting from the same injury, if the temporary total disability continues for a longer period than the number of weeks set forth in the following schedule, the period of temporary total disability in excess of such number of weeks shall be added to the period provided in section ten of this chapter: arm, thirty-two weeks; leg, forty weeks; hand, thirty-two weeks; foot, thirty-two weeks; ear, twenty-five weeks; eye, twenty weeks; thumb, twenty-four weeks; first finger, eighteen weeks; great toe, twelve weeks; second finger, twelve weeks; third finger, eight weeks, fourth finger, eight weeks; toe other than great toe, eight weeks. In any case resulting in loss or partial loss of use of arm, leg, hand, foot, ear, eye, thumb, finger or toe, where the temporary total disability does not extend beyond the periods above mentioned for such injury, benefits shall be limited to the schedule contained in section ten of this chapter.

§ 7. Subdivision 1 of section 10 of the volunteer ambulance workers' benefit law, as amended by chapter 604 of the laws of 1989, the opening paragraph as amended by chapter 21 of the laws of 1991, paragraph e and subparagraphs 1 and 2 of paragraph g as amended by chapter 924 of the laws of 1990, is amended to read as follows:

1. In the case of disability partial in character, but permanent in quality, the volunteer ambulance worker, injured in the line of duty shall be paid one hundred fifty dollars for each week for the period specified in this subdivision, provided, however, that when the volunteer ambulance worker is injured in the line of duty on or after the effective date of this chapter to and including June thirtieth, nineteen hundred ninety, and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety to and including June thirtieth, nineteen hundred ninety-one such payments shall be two hundred eighty dollars for each week, and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-one to and including June thirtieth, nineteen hundred ninety-two such payments shall be three hundred fifty dollars for each week; and provided further that when the volunteer ambulance worker is injured in the line of duty on or after July first, nineteen hundred ninety-two such payments shall be four hundred dollars for each week; provided further that when a volunteer ambulance worker is injured in the line of duty on or after March first, two thousand twenty such ambulance worker shall be paid eight hundred dollars for each week as follows:

1 a. Loss of member.

2 Member lost	Number of weeks
3 Arm	312
4 Leg	288
5 Hand	244
6 Foot	205
7 Eye	160
8 Thumb	75
9 First finger	46
10 Great toe	38
11 Second finger	30
12 Third finger	25
13 Toe other than great toe	16
14 Fourth finger	15

15 If more than one phalange of a digit shall be lost, the period shall be
16 the same as for the loss of the entire digit. If only the first phalange
17 shall be lost, the period shall be one-half the period for loss of the
18 entire digit. The period for loss or loss of use of two or more digits,
19 or one or more phalanges of two or more digits, of a hand or foot, may
20 be proportioned to the period for the loss of use of the hand or foot
21 occasioned thereby, but shall not exceed the period for the loss of a
22 hand or foot. If an arm or leg shall be amputated at or above the wrist
23 or ankle, the period for such loss shall be in proportion to the period
24 for the loss of the arm or leg. In the case of loss of binocular vision
25 or of eighty per centum or more of the vision of an eye, the period
26 shall be the same as for the loss of the eye.

27 b. Loss of hearing. In the case of the complete loss of the hearing of
28 one ear, sixty weeks; for the loss of hearing of both ears, one hundred
29 fifty weeks.

30 c. Total loss of use. In the case of permanent total loss of use of a
31 member, the compensation shall be the same as for the loss of the
32 member.

33 d. Partial loss or partial loss of use. Except as above provided in
34 this subdivision, in the case of permanent partial loss or loss of use
35 of a member, the period shall be for the proportionate loss or loss of
36 use of the member. Compensation for permanent partial loss of use of an
37 eye shall be awarded on the basis of uncorrected loss of vision or
38 corrected loss of vision resulting from an injury which ever is greater.

39 e. Disfigurement. In the case of serious facial or head disfigurement,
40 including a disfigurement continuous in length which is partly in the
41 facial area and also extends into the neck region as described in this
42 paragraph, the volunteer ambulance worker shall be paid in a lump sum a
43 proper and equitable amount, which shall be determined by the workers'
44 compensation board. If the earning capacity of the volunteer ambulance
45 worker shall have been impaired, or may in the future be impaired, by
46 any serious disfigurement in the region above the sterno clavicular
47 articulations anterior to and including the region of the sterno cleido
48 mastoid muscles on either side, the volunteer ambulance worker shall be
49 paid in a lump sum a proper and equitable amount which shall be deter-
50 mined by such board. Two or more serious disfigurements, not continuous
51 in length, resulting from the same injury, if partially in the facial
52 area and partially in such neck region, shall be deemed to be a facial
53 disfigurement. An award, or the aggregate of the awards, to a volunteer
54 ambulance worker under this paragraph shall not exceed [~~twenty~~ **forty**
55 thousand dollars.

1 f. Total or partial loss or loss of use of more than one member. In
2 any case in which there shall be a loss or loss of use of more than one
3 member or parts of more than one member set forth above in paragraphs a
4 to e, both inclusive, of this subdivision, but not amounting to perma-
5 nent total disability, the periods for loss or loss of use of each such
6 member or part thereof shall run consecutively.

7 g. Other cases. In all other cases of permanent partial disability the
8 volunteer ambulance worker shall be paid for each week, during the
9 continuance thereof, as follows:

10 (1) If the percentage of loss of earning capacity is seventy-five per
11 centum, or greater, he or she shall be paid one hundred fifty dollars
12 for each week, provided, however, that the volunteer ambulance worker is
13 injured in the line of duty on or after the effective date of this chap-
14 ter to and including June thirtieth, nineteen hundred ninety, provided,
15 however, that when the volunteer ambulance worker is injured in the line
16 of duty on or after July first, nineteen hundred ninety to and including
17 June thirtieth, nineteen hundred ninety-one such payment shall be two
18 hundred eighty dollars for each week, and provided further that when the
19 volunteer ambulance worker is injured in the line of duty on or after
20 July first, nineteen hundred ninety-one to and including June thirtieth,
21 nineteen hundred ninety-two such payment shall be three hundred fifty
22 dollars for each week; and provided further that when the volunteer
23 ambulance worker is injured in the line of duty on or after July first,
24 nineteen hundred ninety-two such payments shall be four hundred dollars
25 for each week; provided further that when a volunteer ambulance worker
26 is injured in the line of duty on or after March first, two thousand
27 twenty such ambulance worker shall be paid eight hundred dollars for
28 each week during the continuance thereof.

29 (2) If the percentage of loss of earning capacity is fifty per centum,
30 or greater, but less than seventy-five per centum, he or she shall be
31 paid one hundred dollars for each week, provided, however, that the
32 volunteer ambulance worker is injured in the line of duty on or after
33 the effective date of this chapter to and including June thirtieth,
34 nineteen hundred ninety, provided, however, that when the volunteer
35 ambulance worker is injured in the line of duty on or after July first,
36 nineteen hundred ninety to and including June thirtieth, nineteen
37 hundred ninety-one, such payment shall be one hundred eighty-six dollars
38 and seventy-six cents for each week, provided, however, that when the
39 volunteer ambulance worker is injured in the line of duty on or after
40 July first, nineteen hundred ninety-one to and including June thirtieth,
41 nineteen hundred ninety-two, such payment shall be two hundred thirty-
42 four dollars and fifty cents for each week; provided, however, that when
43 the volunteer ambulance worker is injured in the line of duty on or
44 after July first, nineteen hundred ninety-two, such payment shall be two
45 hundred sixty-eight dollars for each week, provided, however, that when
46 the volunteer ambulance worker is injured in the line of duty on or
47 after March first, two thousand twenty, such payment shall be five
48 hundred thirty-six dollars for each week.

49 (3) If the percentage of loss of earning capacity is twenty-five
50 percentum, or greater, but less than fifty per centum, he or she shall
51 be paid [~~thirty~~ sixty] dollars for each week.

52 (4) If the percentage of loss of earning capacity is less than twen-
53 ty-five per centum, he or she shall not be paid any weekly benefit.

54 Permanent partial disability, within the meaning of this paragraph,
55 shall exist only if the earning capacity of the volunteer ambulance
56 worker has been permanently and partially lost as the result of the

1 injury. The workers' compensation board shall determine the degree of
2 such disability and such board may reconsider such degree on its own
3 motion or upon application of any party in interest.

4 § 8. Section 11 of the volunteer ambulance workers' benefit law, as
5 amended by chapter 604 of the laws of 1989, subdivisions 1 and 2 as
6 amended by chapter 924 of the laws of 1990, is amended to read as
7 follows:

8 § 11. Temporary partial disability benefits. In the case of temporary
9 partial disability the volunteer ambulance worker shall be paid for each
10 week during the continuance thereof, as follows:

11 1. If the percentage of loss of earning capacity is seventy-five per
12 centum, or greater, he or she shall be paid one hundred fifty dollars
13 for each week, provided, however, that the volunteer ambulance worker is
14 injured in the line of duty on or after the effective date of this chap-
15 ter to and including June thirtieth, nineteen hundred ninety, provided,
16 however, that when the volunteer ambulance worker is injured in the line
17 of duty on or after July first, nineteen hundred ninety to and including
18 June thirtieth, nineteen hundred ninety-one, such payment shall be two
19 hundred eighty dollars for each week, provided, however, that when the
20 volunteer ambulance worker is injured in the line of duty on or after
21 July first, nineteen hundred ninety-one to and including June thirtieth,
22 nineteen hundred ninety-two, such payment shall be three hundred fifty
23 dollars for each week; and provided further that when the volunteer
24 ambulance worker is injured in the line of duty on or after July first,
25 nineteen hundred ninety-two such payments shall be four hundred dollars
26 for each week; provided further that when a volunteer ambulance worker
27 is injured in the line of duty on or after March first, two thousand
28 twenty such ambulance worker shall be paid eight hundred dollars for
29 each week.

30 2. If the percentage of loss of earning capacity is fifty per centum,
31 or greater, but less than seventy-five per centum, he or she shall be
32 paid one hundred dollars for each week, provided, however, that the
33 volunteer ambulance worker is injured in the line of duty on or after
34 the effective date of this chapter to and including June thirtieth,
35 nineteen hundred ninety, provided, however, that when the volunteer
36 ambulance worker is injured in the line of duty on or after July first,
37 nineteen hundred ninety to and including June thirtieth, nineteen
38 hundred ninety-one, such payment shall be one hundred eighty-six dollars
39 and seventy-six cents for each week, provided, however, that when the
40 volunteer ambulance worker is injured in the line of duty on or after
41 July first, nineteen hundred ninety-one to and including June thirtieth,
42 nineteen hundred ninety-two, such payment shall be two hundred thirty-
43 four dollars and fifty cents for each week; provided, however, that when
44 the volunteer ambulance worker is injured in the line of duty on or
45 after July first, nineteen hundred ninety-two, such payment shall be two
46 hundred sixty-eight dollars for each week, provided, however, that when
47 the volunteer ambulance worker is injured in the line of duty on or
48 after March first, two thousand twenty, such payment shall be five
49 hundred thirty-six dollars for each week.

50 3. If the percentage of loss of earning capacity is twenty-five per
51 centum, or greater, but less than fifty per centum, he or she shall be
52 paid [~~thirty~~] sixty dollars for each week.

53 4. If the percentage of loss of earning capacity is less than twenty-
54 five per centum, he or she shall not be paid any weekly benefit.

55 Temporary partial disability, within the meaning of this section,
56 shall exist only if the earning capacity of the volunteer ambulance

1 worker has been temporarily and partially lost as the result of the
2 injury. The workers' compensation board shall determine the degree of
3 such disability and such board may reconsider such degree on its own
4 motion or upon application of any party in interest.
5 § 9. This act shall take effect immediately.