

# STATE OF NEW YORK

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1324

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

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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:

1 Section 1. Paragraph (a) of subdivision 6 of section 15 of the work-  
2 ers' compensation law, as amended by section 7-a of part GG of chapter  
3 57 of the laws of 2013, is amended to read as follows:

4 (a) Compensation for permanent or temporary total disability due to an  
5 accident or disablement resulting from an occupational disease that  
6 occurs, (1) on or after January first, nineteen hundred seventy-eight,  
7 shall not exceed one hundred twenty-five dollars per week, that occurs  
8 (2) on or after July first, nineteen hundred seventy-eight, shall not  
9 exceed one hundred eighty dollars per week, that occurs (3) on or after  
10 January first, nineteen hundred seventy-nine, shall not exceed two  
11 hundred fifteen dollars per week, that occurs (4) on or after July  
12 first, nineteen hundred eighty-three, shall not exceed two hundred  
13 fifty-five dollars per week, that occurs (5) on or after July first,  
14 nineteen hundred eighty-four, shall not exceed two hundred seventy-five  
15 dollars per week, that occurs (6) on or after July first, nineteen  
16 hundred eighty-five, shall not exceed three hundred dollars per week,  
17 that occurs (7) on or after July first, nineteen hundred ninety, shall  
18 not exceed three hundred forty dollars per week; and in the case of  
19 temporary total disability shall not be less than thirty dollars per  
20 week and in the case of permanent total disability shall not be less  
21 than twenty dollars per week except that if the employee's wages at the  
22 time of injury are less than thirty or twenty dollars per week respec-  
23 tively, he or she shall receive his or her full weekly wages. Compen-  
24 sation for permanent or temporary partial disability due to an accident  
25 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.

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