

# STATE OF NEW YORK

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1324--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 8, 2021

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Introduced by M. of A. MAGNARELLI, GUNTHER, WOERNER, WALLACE, GALEF, BRONSON, STECK, BUTTENSCHON, GRIFFIN, STIRPE, ZEBROWSKI, HUNTER -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Local Governments -- 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 temporary total disability benefits

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

1 Section 1. Section 9 of the volunteer firefighters' benefit law, as  
2 amended by chapter 924 of the laws of 1990, is amended to read as  
3 follows:

4 § 9. Temporary total disability benefits. In the case of temporary  
5 total disability the volunteer firefighter shall be paid one hundred  
6 twenty-five dollars for each week during the continuance thereof;  
7 provided, however, that when the volunteer firefighter is injured in the  
8 line of duty on or after July first, nineteen hundred seventy-eight to  
9 December thirty-first, nineteen hundred seventy-eight, said firefighter  
10 shall receive one hundred eighty dollars per week during the continuance  
11 thereof; and further provided, that when the volunteer firefighter is  
12 injured in the line of duty on or after January first, nineteen hundred  
13 seventy-nine to June thirtieth, nineteen hundred eighty-three, said  
14 firefighter shall receive two hundred fifteen dollars per week during  
15 the continuance thereof; and further provided, that when the volunteer  
16 firefighter is injured in the line of duty on or after July first, nine-  
17 teen hundred eighty-three to June thirtieth, nineteen hundred eighty-  
18 four, said firefighter shall receive two hundred fifty-five dollars per  
19 week during the continuance thereof; and further provided, that when the  
20 volunteer firefighter is injured in the line of duty on or after July

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

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1 first, nineteen hundred eighty-four to June thirtieth, nineteen hundred  
2 eighty-five, said firefighter shall receive two hundred seventy-five  
3 dollars per week during the continuance thereof; and further provided,  
4 that when the volunteer firefighter is injured in the line of duty on or  
5 after July first, nineteen hundred eighty-five to June thirtieth, nine-  
6 teen hundred ninety, said firefighter shall receive three hundred  
7 dollars per week during the continuance thereof; and further provided,  
8 that when the volunteer firefighter is injured in the line of duty on or  
9 after July first, nineteen hundred ninety to June thirtieth, nineteen  
10 hundred ninety-one, said firefighter shall receive three hundred forty  
11 dollars per week during the continuance thereof; and further provided,  
12 that when a volunteer firefighter is injured in the line of duty on or  
13 after July first, nineteen hundred ninety-one to June thirtieth, nine-  
14 teen hundred ninety-two, said firefighter shall receive three hundred  
15 fifty dollars per week during the continuance thereof; and further  
16 provided, that when a volunteer firefighter is injured in the line of  
17 duty on or after July first, nineteen hundred ninety-two to June thirti-  
18 eth, two thousand twenty-one, said firefighter shall receive four  
19 hundred dollars per week during the continuance thereof; and further  
20 provided, that when a volunteer firefighter is injured in the line of  
21 duty on or after July first, two thousand twenty-one, said firefighter  
22 shall receive six hundred fifty dollars per week during the continuance  
23 thereof. Temporary total disability, within the meaning of this section,  
24 shall exist only if the earning capacity of the volunteer firefighter  
25 has been lost temporarily and totally as the result of the injury. In  
26 case of temporary total disability and permanent partial disability both  
27 resulting from the same injury, if the temporary total disability  
28 continues for a longer period than the number of weeks set forth in the  
29 following schedule, the period of temporary total disability in excess  
30 of such number of weeks shall be added to the period provided in section  
31 ten of this article: arm, thirty-two weeks; leg, forty weeks; hand,  
32 thirty-two weeks; foot, thirty-two weeks; ear, twenty-five weeks; eye,  
33 twenty weeks; thumb, twenty-four weeks; first finger, eighteen weeks;  
34 great toe, twelve weeks; second finger, twelve weeks; third finger,  
35 eight weeks; fourth finger, eight weeks; toe other than great toe, eight  
36 weeks. In any case resulting in loss or partial loss of use of arm, leg,  
37 hand, foot, ear, eye, thumb, finger or toe, where the temporary total  
38 disability does not extend beyond the periods above mentioned for such  
39 injury, benefits shall be limited to the schedule contained in section  
40 ten of this article.

41 § 2. Section 9 of the volunteer ambulance workers' benefit law, as  
42 amended by chapter 924 of the laws of 1990, is amended to read as  
43 follows:

44 § 9. Temporary total disability benefits. In the case of temporary  
45 total disability the volunteer ambulance worker shall be paid three  
46 hundred dollars for each week during the continuance thereof; provided,  
47 however, that when the volunteer ambulance worker is injured in the line  
48 of duty on or after the effective date of this chapter to June thirti-  
49 eth, nineteen hundred ninety; further provided, that when the volunteer  
50 ambulance worker is injured in the line of duty on or after July first,  
51 nineteen hundred ninety to June thirtieth, nineteen hundred ninety-one,  
52 said ambulance worker shall receive three hundred forty dollars per week  
53 during the continuance thereof, and further provided, that when a volun-  
54 teer ambulance worker is injured in the line of duty on or after July  
55 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred  
56 ninety-two, said ambulance worker shall receive three hundred fifty

1 dollars per week during the continuance thereof; provided further that  
2 when a volunteer ambulance worker is injured in the line of duty on or  
3 after July first, nineteen hundred ninety-two to June thirtieth, two  
4 thousand twenty-one, such ambulance worker shall be paid four hundred  
5 dollars for each week during the continuance thereof; provided further  
6 that when a volunteer ambulance worker is injured in the line of duty on  
7 or after July first, two thousand twenty-one such ambulance worker shall  
8 be paid six hundred fifty dollars for each week during the continuance  
9 thereof. Temporary total disability, within the meaning of this section,  
10 shall exist only if the earning capacity of the volunteer ambulance  
11 worker has been lost temporarily and totally as the result of the inju-  
12 ry. In case of temporary total disability and permanent partial disabil-  
13 ity both resulting from the same injury, if the temporary total disabil-  
14 ity continues for a longer period than the number of weeks set forth in  
15 the following schedule, the period of temporary total disability in  
16 excess of such number of weeks shall be added to the period provided in  
17 section ten of this chapter: arm, thirty-two weeks; leg, forty weeks;  
18 hand, thirty-two weeks; foot, thirty-two weeks; ear, twenty-five weeks;  
19 eye, twenty weeks; thumb, twenty-four weeks; first finger, eighteen  
20 weeks; great toe, twelve weeks; second finger, twelve weeks; third  
21 finger, eight weeks, fourth finger, eight weeks; toe other than great  
22 toe, eight weeks. In any case resulting in loss or partial loss of use  
23 of arm, leg, hand, foot, ear, eye, thumb, finger or toe, where the  
24 temporary total disability does not extend beyond the periods above  
25 mentioned for such injury, benefits shall be limited to the schedule  
26 contained in section ten of this chapter.

27 § 3. This act shall take effect immediately and shall apply to weekly  
28 benefit periods that commence after July 1, 2022.