

# STATE OF NEW YORK

7178--A

2021-2022 Regular Sessions

## IN ASSEMBLY

April 27, 2021

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-

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

LBD05324-02-2

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

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

15 § 2. This act shall take effect immediately.