

# STATE OF NEW YORK

9897

## IN ASSEMBLY

April 19, 2022

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

AN ACT to amend the workers' compensation law, in relation to the weekly benefit of a disabled employee

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

1 Section 1. Paragraph (b) of subdivision 2 of section 204 of the work-  
2 ers' compensation law, as amended by section 5 of part SS of chapter 54  
3 of the laws of 2016, is amended to read as follows:

4 (b) The weekly benefit which the disabled employee is entitled to  
5 receive for disability commencing: (i) on or after January first, two  
6 thousand twenty-four shall be fifty percent of the employee's average  
7 weekly wage but shall not exceed fifty percent of the state average  
8 weekly wage; (ii) on or after January first, two thousand twenty-five  
9 shall be fifty-five percent of the employee's average weekly wage but  
10 shall not exceed fifty-five percent of the state average weekly wage;  
11 (iii) on or after January first, two thousand twenty-six shall be sixty  
12 percent of the employee's weekly average wage but shall not exceed sixty  
13 percent of the state average weekly wage; and (iv) on or after January  
14 first of each succeeding year, shall be sixty-seven percent of the  
15 employee's average weekly wage but shall not exceed sixty-seven percent  
16 of the state average weekly wage. The weekly benefit which the disabled  
17 employee is entitled to receive for disability commencing on or after  
18 May first, nineteen hundred eighty-nine and prior to January first, two  
19 thousand twenty-four shall be one-half of the employee's weekly wage,  
20 but in no case shall such benefit exceed one hundred seventy dollars;  
21 except that if the employee's average weekly wage is less than twenty  
22 dollars, the benefit shall be such average weekly wage. The weekly bene-  
23 fit which the disabled employee is entitled to receive for disability  
24 commencing on or after July first, nineteen hundred eighty-four shall be  
25 one-half of the employee's weekly wage, but in no case shall such bene-  
26 fit exceed one hundred forty-five dollars; except that if the employee's  
27 average weekly wage is less than twenty dollars, the benefit shall be  
28 such average weekly wage. The weekly benefit which the disabled employee

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

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1 is entitled to receive for disability commencing on or after July first,  
2 nineteen hundred eighty-three and prior to July first, nineteen hundred  
3 eighty-four shall be one-half of the employee's average weekly wage, but  
4 in no case shall such benefit exceed one hundred thirty-five dollars nor  
5 be less than twenty dollars; except that if the employee's average week-  
6 ly wage is less than twenty dollars the benefit shall be such average  
7 weekly wage. The weekly benefit which the disabled employee is entitled  
8 to receive for disability commencing on or after July first, nineteen  
9 hundred seventy-four, and prior to July first, nineteen hundred eighty-  
10 three, shall be one-half of the employee's average weekly wage, but in  
11 no case shall such benefit exceed ninety-five dollars nor be less than  
12 twenty dollars; except that if the employee's average weekly wage is  
13 less than twenty dollars, the benefit shall be such average weekly wage.  
14 The weekly benefit which the disabled employee is entitled to receive  
15 for disability commencing on or after July first, nineteen hundred  
16 seventy and prior to July first, nineteen hundred seventy-four shall be  
17 one-half of the employee's average weekly wage, but in no case shall  
18 such benefit exceed seventy-five dollars nor be less than twenty  
19 dollars; except that if the employee's average weekly wage is less than  
20 twenty dollars the benefit shall be such average weekly wage. For any  
21 period of disability less than a full week, the benefits payable shall  
22 be calculated by dividing the weekly benefit by the number of the  
23 employee's normal work days per week and multiplying the quotient by the  
24 number of normal work days in such period of disability. The weekly  
25 benefit for a disabled employee who is concurrently eligible for bene-  
26 fits in the employment of more than one covered employer shall, within  
27 the maximum and minimum herein provided, be one-half of the total of the  
28 employee's average weekly wages received from all such covered employ-  
29 ers, and shall be allocated in the proportion of their respective aver-  
30 age weekly wage payments.

31 § 2. This act shall take effect immediately.