

# STATE OF NEW YORK

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8271--A

## IN SENATE

February 8, 2022

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Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- 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-  
24 sation for permanent or temporary partial disability due to an accident  
25 or disablement resulting from an occupational disease that occurs (1) on  
26 or after January first, nineteen hundred seventy-eight, shall not exceed

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

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

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

12 § 2. This act shall take effect immediately.