STATE OF NEW YORK

3671

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. HUNTER, STECK, MAGNARELLI, COLTON, REYES -- Multi-Sponsored by -- M. of A. PRETLOW -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to providing for an initial hearing in every case for a claim of compensation

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

Section 1. Subdivision 1 of section 20 of the workers' compensation law, as amended by chapter 635 of the laws of 1996, is amended to read as follows:

1. At any time after [~~the expiration of the first seven days of disability on the part of~~] an **injury of the** injured employee, or at any time after the employee's death, a claim for compensation may be presented to the employer or to the chair. The board shall **hold an initial hearing for each claim and shall** have full power and authority to determine all questions in relation to the payment of claims presented to it for compensation under the provisions of this chapter. The chair or board shall make or cause to be made such investigation as it deems necessary, and upon application of either party, shall order a hearing, and within thirty days after a claim for compensation is submitted under this section, or such hearing closed, shall make or deny an award, determining such claim for compensation, and file the same in the office of the chair. Immediately after such filing the chair shall send to the parties a copy of the decision. Upon a hearing pursuant to this section either party may present evidence and be represented by counsel. The decision of the board shall be final as to all questions of fact, and, except as provided in section twenty-three of this article, as to all questions of law. Except as provided in section twenty-seven of this article, all awards of the board shall draw simple interest from thirty days after the making thereof at the rate provided in section five thousand four of the civil practice law and rules. Whenever a hearing or proceeding for

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

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the determination of a claim for compensation is begun before a referee, pursuant to the provisions of this chapter, such hearing or proceeding or any adjourned hearing thereon shall continue before the same referee until a final determination awarding or denying compensation, except in the absence, inability or disqualification to act of such referee, or for other good cause, in which event such hearing or proceeding may be continued before another referee by order of the chair or board.

§ 2. This act shall take effect immediately.