

STATE OF NEW YORK

1318--A

Cal. No. 898

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sens. GAUGHRAN, GRIFFO, BORRELLO, BROOKS, COMRIE, GALLIVAN, HELMING, HINCHEY, JORDAN, KAPLAN, REICHLIN-MELNICK, SERINO, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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

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

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

1 first, nineteen hundred ninety-one to June thirtieth, nineteen hundred
2 ninety-two, said ambulance worker shall receive three hundred fifty
3 dollars per week during the continuance thereof; provided further that
4 when a volunteer ambulance worker is injured in the line of duty on or
5 after July first, nineteen hundred ninety-two to June thirtieth, two
6 thousand twenty-one, such ambulance worker shall be paid four hundred
7 dollars for each week during the continuance thereof; provided further
8 that when a volunteer ambulance worker is injured in the line of duty on
9 or after July first, two thousand twenty-one such ambulance worker shall
10 be paid six hundred fifty dollars for each week during the continuance
11 thereof. Temporary total disability, within the meaning of this section,
12 shall exist only if the earning capacity of the volunteer ambulance
13 worker has been lost temporarily and totally as the result of the inju-
14 ry. In case of temporary total disability and permanent partial disabil-
15 ity both resulting from the same injury, if the temporary total disabil-
16 ity continues for a longer period than the number of weeks set forth in
17 the following schedule, the period of temporary total disability in
18 excess of such number of weeks shall be added to the period provided in
19 section ten of this chapter: arm, thirty-two weeks; leg, forty weeks;
20 hand, thirty-two weeks; foot, thirty-two weeks; ear, twenty-five weeks;
21 eye, twenty weeks; thumb, twenty-four weeks; first finger, eighteen
22 weeks; great toe, twelve weeks; second finger, twelve weeks; third
23 finger, eight weeks, fourth finger, eight weeks; toe other than great
24 toe, eight weeks. In any case resulting in loss or partial loss of use
25 of arm, leg, hand, foot, ear, eye, thumb, finger or toe, where the
26 temporary total disability does not extend beyond the periods above
27 mentioned for such injury, benefits shall be limited to the schedule
28 contained in section ten of this chapter.
29 § 3. This act shall take effect immediately and shall apply to weekly
30 benefit periods that commence after July 1, 2022.