

STATE OF NEW YORK

7388

2021-2022 Regular Sessions

IN SENATE

September 20, 2021

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 workers'
2 compensation law, as amended by section 5 of part SS of chapter 54 of
3 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 on or after January first, two thou-
6 sand twenty-three shall be one-half of the employee's weekly wage, but
7 in no case shall such benefit exceed three hundred dollars. The weekly
8 benefit which the disabled employee is entitled to receive for disabili-
9 ty commencing on or after May first, nineteen hundred eighty-nine and
10 prior to January first, two thousand twenty-three shall be one-half of
11 the employee's weekly wage, but in no case shall such benefit exceed one
12 hundred seventy dollars; except that if the employee's average weekly
13 wage is less than twenty dollars, the benefit shall be such average
14 weekly wage. The weekly benefit which the disabled employee is entitled
15 to receive for disability commencing on or after July first, nineteen
16 hundred eighty-four shall be one-half of the employee's weekly wage, but
17 in no case shall such benefit exceed one hundred forty-five dollars;
18 except that if the employee's average weekly wage is less than twenty
19 dollars, the benefit shall be such average weekly wage. The weekly bene-
20 fit which the disabled employee is entitled to receive for disability
21 commencing on or after July first, nineteen hundred eighty-three and
22 prior to July first, nineteen hundred eighty-four shall be one-half of
23 the employee's average weekly wage, but in no case shall such benefit
24 exceed one hundred thirty-five dollars nor be less than twenty dollars;
25 except that if the employee's average weekly wage is less than twenty

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

LBD13128-01-1

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

25 § 2. This act shall take effect immediately.