

STATE OF NEW YORK

8271--A

IN SENATE

February 8, 2022

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.