

# STATE OF NEW YORK

2034--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

Introduced by M. of A. JOYNER, ALVAREZ, DICKENS, SEAWRIGHT, FORREST -- read once and referred 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-

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

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

1 disability, or for permanent or temporary total disability due to an  
2 accident or disablement resulting from an occupational disease that  
3 occurs on or after January first, two thousand twenty-five and before  
4 July first, two thousand twenty-six shall not be less than three hundred  
5 twenty-five dollars per week except that if the employee's wages at the  
6 time of injury are less than three hundred twenty-five dollars per week,  
7 the employee shall receive his or her full wages. Compensation for  
8 permanent or temporary partial disability, or for permanent or temporary  
9 total disability due to an accident or disablement resulting from an  
10 occupational disease that occurs on or after July first, two thousand  
11 twenty-six and on or after July first of each succeeding year shall not  
12 be less than one-fifth of the New York state average weekly wage for the  
13 year in which it is reported except that if the employee's weekly wages  
14 are equal to or less than one-fifth of the New York state average weekly  
15 wage for the year in which it is reported, the employee shall receive  
16 his or her full wages. In no event shall compensation when combined with  
17 decreased earnings or earning capacity exceed the amount of wages the  
18 employee was receiving at the time the injury occurred. Compensation for  
19 permanent or temporary partial disability, or for permanent or temporary  
20 total disability due to an accident or disablement resulting from an  
21 occupational disease or injury that occurred as a result of World Trade  
22 Center rescue activity by an employee of a private voluntary hospital,  
23 who passed a physical examination upon employment as a rescue worker  
24 that failed to reveal evidence of a condition that was the proximate  
25 cause of disablement or occupational disease or injury, shall not exceed  
26 three-quarters of a claimant's wage on September eleventh, two thousand  
27 one. In no event shall compensation when combined with decreased earn-  
28 ings or earning capacity exceed the amount of wages the employee was  
29 receiving on September eleventh, two thousand one.

30 § 2. This act shall take effect immediately.