STATE OF NEW YORK

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8408--A

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023
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Introduced by M. of A. DURSO, GRAY, TAGUE, E. BROWN, CHANG, BENDETT, ANGELINO, BEEPHAN, JENSEN, McDONOUGH, DeSTEFANO -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to certain claims for death benefits based on death due to COVID-19 in memory of Joseph Fletcher; and providing for the repeal of such provisions upon the expiration thereof

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

1   Section 1. Short title. This act shall be known and may be cited as
2 the "Joseph Fletcher act".
3   § 2. The workers' compensation law is amended by adding a new section
4 3-a to read as follows:
5   § 3-a. Reopening of claims for COVID-19 death benefits. 1. A claim for
6 death benefits based on a diagnosis of COVID-19 resulting in the death
7 of the essential employee whose exposure was sustained in service as an
8 essential worker as defined by executive order 202 issued March seventh,
9 two thousand twenty and expired June twenty-fourth, two thousand twen-
10 ty-one shall not be disallowed as barred by section eighteen or section
11 twenty-eight of this chapter if such claim is filed within one year of
12 the effective date of this section. Any subsequent claims may be filed
13 after such period in accordance with sections eighteen and twenty-eight
14 of this chapter.
15   2. The board shall permit the filing of claims for death benefits due
16 to COVID-19 which were previously denied due to section eighteen or
17 twenty-eight of this chapter prior to the effective date of this
18 section, and shall, upon application, re-hear and determine such claims.
19   § 3. This act shall take effect immediately and shall expire and be
20 deemed repealed two years after such date.

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