

STATE OF NEW YORK

9279

IN SENATE

May 9, 2024

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

AN ACT to amend the workers' compensation law, in relation to providing for the enrollment of certain persons in direct deposit for compensation payments

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

1 Section 1. Paragraphs (a) and (b) of subdivision 9 of section 25 of
2 the workers' compensation law, as amended by chapter 9 of the laws of
3 2021, are amended and a new paragraph (e) is added to read as follows:

4 (a) Compensation payments shall be required, upon the written request
5 from an injured worker or a person entitled to a death benefit provided
6 by this chapter, to be deposited directly in a bank for any purpose to
7 an account in the name of such injured worker or person entitled to
8 death benefits, and duly filed in accordance with such regulations. Each
9 person eligible to receive payment of compensation or death benefits
10 under this section shall be notified of the option to receive such
11 payment in the form of direct deposit from the carrier or self-insured
12 employer, such notice to be promulgated by the board. Such eligible
13 person shall also be provided the means necessary to enroll in direct
14 deposit pursuant to this paragraph in a manner specified by regulations
15 of the board at the same time as notice is given pursuant to this para-
16 graph. Persons entitled to a death benefit who are eligible to receive
17 compensation payments by direct deposit upon written request pursuant to
18 this subdivision shall include:

19 (i) a surviving spouse;

20 (ii) a surviving domestic partner as defined in section four of this
21 chapter;

22 (iii) a dependent child or children; or

23 (iv) any other person entitled to a death benefit under section
24 sixteen of this article.

25 (b) The board is hereby authorized to promulgate reasonable rules and
26 regulations, as may be necessary, to administer the direct deposit of
27 compensation payments, including payments to a surviving spouse, a

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

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1 surviving domestic partner as defined in section four of this chapter, a
2 dependent child or children, or any other person entitled to a death
3 benefit under section sixteen of this article. Such regulations shall
4 permit the deposit of compensation payments to be split between multiple
5 accounts by either a dollar amount or exact percentage, provided, howev-
6 er, such regulations may establish a minimum dollar amount and may limit
7 the maximum number of partial deposits allowed.

8 (e) (i) If an employer or insurance carrier fails to enroll an eligi-
9 ble person in direct deposit within twenty-five days after a request has
10 been made pursuant to paragraph (a) of this subdivision, there shall be,
11 paid by the employer or, if insured, the insurance carrier, a penalty of
12 twenty percent of the compensation due per pay period, which shall
13 accrue for the benefit of the injured worker or such worker's surviving
14 spouse or dependents, and an additional penalty of three hundred
15 dollars. Such penalties shall be paid to such eligible person.

16 (ii) The board may, upon request by an employer or insurer, excuse
17 such employer or insurer from such penalty if such person could not be
18 enrolled in direct deposit due to circumstances outside of the control
19 of such employer or insurer.

20 § 2. This act shall take effect immediately.