

STATE OF NEW YORK

1237

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Labor

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 work-
2 ers' compensation law, as amended by section 5 of part SS of chapter 54
3 of 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: (i) on or after January first, two
6 thousand twenty-five shall be fifty percent of the employee's average
7 weekly wage but shall not exceed fifty percent of the state average
8 weekly wage; (ii) on or after January first, two thousand twenty-six
9 shall be fifty-five percent of the employee's average weekly wage but
10 shall not exceed fifty-five percent of the state average weekly wage;
11 (iii) on or after January first, two thousand twenty-seven shall be
12 sixty percent of the employee's weekly average wage but shall not exceed
13 sixty percent of the state average weekly wage; and (iv) on or after
14 January first of each succeeding year, shall be sixty-seven percent of
15 the employee's average weekly wage but shall not exceed sixty-seven
16 percent of the state average weekly wage. The weekly benefit which the
17 disabled employee is entitled to receive for disability commencing on or
18 after May first, nineteen hundred eighty-nine and prior to January
19 first, two thousand twenty-five shall be one-half of the employee's
20 weekly wage, but in no case shall such benefit exceed one hundred seven-
21 ty dollars; except that if the employee's average weekly wage is less
22 than twenty dollars, the benefit shall be such average weekly wage. The
23 weekly benefit which the disabled employee is entitled to receive for
24 disability commencing on or after July first, nineteen hundred eighty-
25 four shall be one-half of the employee's weekly wage, but in no case

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

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

34 § 2. This act shall take effect immediately.