

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.