

STATE OF NEW YORK

7762

2023-2024 Regular Sessions

IN ASSEMBLY

June 7, 2023

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

AN ACT to amend the workers' compensation law, in relation to providing disability benefits for pregnancy loss

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

1 Section 1. Paragraph B of subdivision 9 of section 201 of the work-
2 ers' compensation law, as amended by chapter 352 of the laws of 1981, is
3 amended to read as follows:

4 B. "Disability" also includes disability caused by or in connection
5 with a pregnancy, including, but not limited to, pregnancy loss.

6 § 2. Paragraph (b) of subdivision 2 of section 204 of the workers'
7 compensation law, as amended by section 5 of part SS of chapter 54 of
8 the laws of 2016, is amended to read as follows:

9 (b) The weekly benefit which the disabled employee is entitled to
10 receive for disability commencing on or after May first, nineteen
11 hundred eighty-nine shall be one-half of the employee's weekly wage, but
12 in no case shall such benefit exceed one hundred seventy dollars; except
13 that if the employee's average weekly wage is less than twenty dollars,
14 the benefit shall be such average weekly wage; provided, however, the
15 weekly benefit which the disabled employee is entitled to receive for
16 disability related to pregnancy loss shall be sixty-seven percent of the
17 employee's average weekly wage but shall not exceed sixty-seven percent
18 of the state average weekly wage in effect. The weekly benefit which the
19 disabled employee is entitled to receive for disability commencing on or
20 after July first, nineteen hundred eighty-four shall be one-half of the
21 employee's weekly wage, but in no case shall such benefit exceed one
22 hundred forty-five dollars; except that if the employee's average weekly
23 wage is less than twenty dollars, the benefit shall be such average
24 weekly wage. The weekly benefit which the disabled employee is entitled
25 to receive for disability commencing on or after July first, nineteen

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

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

30 § 3. This act shall take effect on the first of January following the
31 first of September next succeeding the date on which it shall have
32 become a law and shall apply to all policies or contracts issued,
33 renewed, modified, altered or amended on or after such date.