

# STATE OF NEW YORK

1161

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

Introduced by Sens. SANDERS, MAY -- 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 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-  
24 sation for permanent or temporary partial disability due to an accident  
25 or disablement resulting from an occupational disease that occurs (1) on

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

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1 or after January first, nineteen hundred seventy-eight, shall not exceed  
2 one hundred five dollars per week, that occurs (2) on or after July  
3 first, nineteen hundred eighty-three, shall not exceed one hundred twen-  
4 ty-five dollars per week, that occurs (3) on or after July first, nine-  
5 teen hundred eighty-four, shall not exceed one hundred thirty-five  
6 dollars per week, that occurs (4) on or after July first, nineteen  
7 hundred eighty-five, shall not exceed one hundred fifty dollars per  
8 week, that occurs (5) on or after July first, nineteen hundred ninety,  
9 shall not exceed two hundred eighty dollars per week; nor be less than  
10 twenty dollars per week; except that if the employee's wages at the time  
11 of injury are less than twenty dollars per week, he or she shall receive  
12 his or her full weekly wages. In no event shall compensation when  
13 combined with decreased earnings or earning capacity exceed the amount  
14 of wages which the employee was receiving at the time the injury  
15 occurred. Compensation for permanent or temporary partial disability, or  
16 for permanent or temporary total disability due to an accident or disa-  
17 blement resulting from an occupational disease that occurs (1) on or  
18 after July first, nineteen hundred ninety-one and prior to July first,  
19 nineteen hundred ninety-two, shall not exceed three hundred fifty  
20 dollars per week; (2) on or after July first, nineteen hundred ninety-  
21 two, shall not exceed four hundred dollars per week; nor be less than  
22 forty dollars per week except that if the employee's wages at the time  
23 of injury are less than forty dollars per week, the employee shall  
24 receive his or her full wages. Compensation for permanent or temporary  
25 partial disability, or for permanent or temporary total disability due  
26 to an accident or disablement resulting from an occupational disease  
27 that occurs (1) on or after July first, two thousand seven shall not  
28 exceed five hundred dollars per week, (2) on or after July first, two  
29 thousand eight shall not exceed five hundred fifty dollars per week, (3)  
30 on or after July first, two thousand nine shall not exceed six hundred  
31 dollars per week, and (4) on or after July first, two thousand ten, and  
32 on or after July first of each succeeding year, shall not exceed two-  
33 thirds of the New York state average weekly wage for the year in which  
34 it is reported. Compensation for permanent or temporary partial disabil-  
35 ity, or for permanent or temporary total disability due to an accident  
36 or disablement resulting from an occupational disease that occurs on or  
37 after July first, two thousand seven shall not be less than one hundred  
38 dollars per week except that if the employee's wages at the time of  
39 injury are less than one hundred dollars per week, the employee shall  
40 receive his or her full wages. Compensation for permanent or temporary  
41 partial disability, or for permanent or temporary total disability due  
42 to an accident or disablement resulting from an occupational disease  
43 that occurs on or after May first, two thousand thirteen shall not be  
44 less than one hundred fifty dollars per week except that if the employ-  
45 ee's wages at the time of injury are less than one hundred fifty dollars  
46 per week, the employee shall receive his or her full wages. Compensation  
47 for permanent or temporary partial disability, or for permanent or  
48 temporary total disability due to an accident or disablement resulting  
49 from an occupational disease that occurs on or after the effective date  
50 of the chapter of the laws of two thousand twenty-three that amended  
51 this paragraph shall not be less than one-fifth of the New York state  
52 average weekly wage except that if the employee's weekly wages are equal  
53 to or less than one-fifth of the New York state average weekly wage, the  
54 employee shall receive his or her full wages. In no event shall compen-  
55 sation when combined with decreased earnings or earning capacity exceed  
56 the amount of wages the employee was receiving at the time the injury

1 occurred. Compensation for permanent or temporary partial disability, or  
2 for permanent or temporary total disability due to an accident or disa-  
3 blement resulting from an occupational disease or injury that occurred  
4 as a result of World Trade Center rescue activity by an employee of a  
5 private voluntary hospital, who passed a physical examination upon  
6 employment as a rescue worker that failed to reveal evidence of a condi-  
7 tion that was the proximate cause of disablement or occupational disease  
8 or injury, shall not exceed three-quarters of a claimant's wage on  
9 September eleventh, two thousand one. In no event shall compensation  
10 when combined with decreased earnings or earning capacity exceed the  
11 amount of wages the employee was receiving on September eleventh, two  
12 thousand one.

13 § 2. This act shall take effect immediately.