STATE OF NEW YORK

5575

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. SCARCELLA-SPANTON -- 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 presumptions for injured workers who have not refused an offer of reemployment

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

Section 1. Section 21 of the workers' compensation law, subdivision 5 as amended by chapter 268 of the laws of 1946, is amended to read as follows:

§ 21. Presumptions. In any proceeding for the enforcement of a claim for compensation under this chapter, it shall be presumed in the absence of substantial evidence to the contrary:

1. That the claim comes within the provision of this chapter[~~;~~].

2. That sufficient notice thereof was given[~~;~~].

3. That the injury was not occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another[~~;~~].

4. That the injury did not result solely from the intoxication of the injured employee while on duty.

5. That the contents of medical and surgical reports introduced in evidence by claimants for compensation shall constitute prima facie evidence of fact as to the matter contained therein.

6. That an injured worker who has not refused an offer of reemployment from his or her employer has not voluntarily withdrawn from the labor market.

§ 2. This act shall take effect immediately.

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

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