

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 presump-
tions for injured workers who have not refused an offer of reemploy-
ment

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

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

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

7 1. That the claim comes within the provision of this chapter[+].

8 2. That sufficient notice thereof was given[+].

9 3. That the injury was not occasioned by the willful intention of the
10 injured employee to bring about the injury or death of himself or of
11 another[+].

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

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

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18 from his or her employer has not voluntarily withdrawn from the labor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

20 § 2. This act shall take effect immediately.

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

LBD08588-01-3