STATE OF NEW YORK

7097

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. RAMOS -- 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 notice of insurance requirements for injured employees

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

Section 1. Section 51 of the workers' compensation law, as amended by chapter 105 of the laws of 2019, is amended to read as follows:

§ 51. Posting of notice regarding compensation. **1.** Every employer who has complied with section fifty of this article shall post and maintain in a conspicuous place or places in and about his **or her** place or places of business typewritten or printed in English [~~and~~]**,** Spanish**, and any other native language of employees** notices in form prescribed by the chairman, stating the fact that he **or she** has complied with all the rules and regulations of the chairman and the board and that he **or she** has secured the payment of compensation to his **or her** employees and their dependents in accordance with the provisions of this chapter, but failure to post such notice as herein provided shall not in any way affect the exclusiveness of the remedy provided for by section eleven of this chapter. Every employer who owns or operates automotive or horse-drawn vehicles and has no minimum staff of regular employees required to report for work at an established place of business maintained by such employer and every employer who is engaged in the business of moving household goods or furniture shall post such notices in each and every vehicle owned or operated by him **or her**. Failure to post or maintain such notice in any of said vehicles shall constitute presumptive evidence that such employer has failed to secure the payment of compensation. The chairman may require any employer to furnish a written statement at any time showing the stock corporation, mutual corporation or reciprocal insurer in which such employer is insured or the manner in which such employer has complied with any provision of this chapter.

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

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Failure for a period of ten days to furnish such written statement shall constitute presumptive evidence that such employer has neglected or failed in respect of any of the matters so required. Any employer who fails to comply with the provisions of this section shall be required to pay to the board a fine of five hundred dollars for each violation, in addition to any other penalties imposed by law to be deposited into the uninsured employers' fund.

2. Whenever an employer is required under section one hundred ten of this chapter to report the occurrence of a workplace injury to the board, the employer shall also provide the employee so injured with a written statement in the employee's native language of the employee's rights under this chapter, including an explanation of how a claim may be filed written in plain language by the board and in the employee's native language.

3. Any employer who is required under section one hundred ten of this chapter to report the occurrence of a workplace injury who fails to provide the injured employee with a written statement of employee rights in the employee's native language as required pursuant to subdivision two of this section, within seven days of the occurrence of such injury shall forfeit to the people of the state the sum of one thousand dollars for each such failure, to be recovered by the board or its designee in any legal action necessary, including administrative action or a civil action. In such event, the injured employee shall also be entitled to compensatory or vacation leave in the amount of one day of leave for each day the employer fails to timely provide the injured employee with a written statement of rights under this article up to a maximum of fourteen days' leave. Such leave shall be compensated by the employer at the employee's normal rate of pay without penalty or deduction for leave status.

§ 2. This act shall take effect immediately.