

# STATE OF NEW YORK

5003

2025-2026 Regular Sessions

## IN ASSEMBLY

February 10, 2025

Introduced by M. of A. BRONSON, GLICK, SHIMSKY, TAPIA, STECK, DAVILA --  
read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to prohibiting cases from being closed without a hearing or written stipulation and requiring a stenographic record of all hearings held; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 2-b of section 25 of the workers' compensation  
2 law is REPEALED and subdivision 2-c is renumbered subdivision 2-b.  
3 § 2. Paragraphs (b) and (c) of subdivision 3 of section 25 of the  
4 workers' compensation law, as amended by chapter 61 of the laws of 1986,  
5 are amended to read as follows:  
6 (b) Nothing herein shall limit the right of the board in a particular  
7 case to hold a hearing and make an award in accordance with other  
8 provisions of this chapter. No case shall be closed and no decision  
9 shall be issued without a hearing upon notice to all parties interested  
10 and without giving to all such parties an opportunity to be heard.  
11 (c) The board shall keep an accurate stenographic record of all hear-  
12 ings held and provide the minutes, at no cost, to the injured worker and  
13 their representative in the native language of the injured worker. All  
14 decisions shall be issued to the injured worker in their native  
15 language. Whenever a hearing must be continued or adjourned because the  
16 carrier or employer has engaged in dilatory tactics or exhibited unjustified  
17 lack of preparedness, the board shall impose a penalty of twenty-  
18 five dollars to be paid to the fund created by subdivision two of  
19 section one hundred fifty-one of this chapter and shall in addition make  
20 an award of seventy-five dollars payable to the injured worker or [~~his~~  
21 ~~or her~~] such worker's dependants. Dilatory tactics may include but shall  
22 not be limited to: failing to subpoena medical witnesses or to secure  
23 an order to show cause as directed by the referee, failing to bring

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

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1 proper files, failing to appear, failing to produce witnesses or docu-  
2 ments after they have been requested by the referee or examiner or as  
3 directed by the hearing notice, unnecessarily protracting the production  
4 of evidence, or engaging in a pattern of delay which unduly delays  
5 resolution, except that no penalty shall be imposed nor award made under  
6 this subdivision if the carrier or employer produces evidence sufficient  
7 to excuse its conduct to the satisfaction of the referee.  
8 § 3. This act shall take effect immediately.