

# STATE OF NEW YORK

5087

2025-2026 Regular Sessions

## IN ASSEMBLY

February 12, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the Committee on Labor

AN ACT to amend the military law and the workers' compensation law, in relation to participation in World Trade Center rescue, recovery and cleanup operations by members of the organized militia

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

1 Section 1. Section 6 of the military law is amended by adding a new  
2 subdivision 1-a to read as follows:

3 1-a. Notwithstanding any other law, regulation or rule to the contra-  
4 ry, an order into active service of the organized militia as part of the  
5 World Trade Center rescue, recovery and cleanup operations shall qualify  
6 such member of the organized militia as an employee under article  
7 eight-A of the workers' compensation law. For the purposes of this  
8 subdivision, "organized militia" shall mean members of the New York army  
9 national guard, the New York air national guard, the New York naval  
10 militia, and the New York guard. Alternative proof of an order into  
11 active service of the organized militia as part of the World Trade  
12 Center rescue, recovery, and cleanup operations, as determined by the  
13 division of military and naval affairs, including third-party  
14 verification and witness presence statements as included in the federal  
15 James Zadroga 9/11 Health and Compensation Act of 2010, as amended,  
16 shall qualify such member of the organized militia as an employee under  
17 article eight-A of the workers' compensation law.

18 § 2. The opening paragraph of subdivision 1 of section 161 of the  
19 workers' compensation law, as added by chapter 446 of the laws of 2006,  
20 is amended to read as follows:

21 "Participant in World Trade Center rescue, recovery, or cleanup oper-  
22 ations" means any (a) employee, including members of the organized mili-  
23 tia as provided in subdivision one-a of section six of the military law,  
24 who within the course of employment, or (b) volunteer upon presentation

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

LBD06849-01-5

1 to the board of evidence satisfactory to the board that [~~he or she~~  
2 they:

3 § 3. Section 169 of the workers' compensation law is amended by adding  
4 a new subdivision 3 to read as follows:

5 3. Notwithstanding section eighteen or twenty-eight or any other  
6 provision of this chapter, any claimant who was a member of the organ-  
7 ized militia who was previously prohibited from filing a claim under  
8 this article may refile such claim or claims within two years of the  
9 effective date of this subdivision. The board shall accept proof of a  
10 member of the organized militia's service as determined by the division  
11 of military and naval affairs pursuant to section six of the military  
12 law.

13 § 4. This act shall take effect immediately.