

# STATE OF NEW YORK

84

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. SOLAGES, BRONSON, PHEFFER AMATO, BICHOTTE HERMELYN, SHRESTHA, CRUZ, STECK, SHIMSKY, BURDICK, KIM, GLICK, SEAWRIGHT, FORREST -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law and the insurance law, in relation to increasing short-term disability benefits

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

1 Section 1. Section 200 of the workers' compensation law, as amended by  
2 section 1 of part SS of chapter 54 of the laws of 2016, is amended to  
3 read as follows:

4 § 200. Short title. This article shall be known and may be cited as  
5 the "disability [~~benefits law~~] and [~~the~~] paid family leave benefits  
6 law."

7 § 2. Subdivisions 14, 15 and 22 of section 201 of the workers' compen-  
8 sation law, subdivision 14 as amended and subdivisions 15 and 22 as  
9 added by section 2 of part SS of chapter 54 of the laws of 2016, are  
10 amended to read as follows:

11 14. "A day of disability" means any day on which the employee was  
12 prevented from performing work because of disability[~~, including any day~~  
13 ~~which the employee uses for family leave,~~] and for which the employee  
14 has not received [~~his or her~~] the employee's regular remuneration.

15 15. "Family leave" shall mean any leave taken by an employee from  
16 work: (a) to participate in providing care, including physical or  
17 psychological care, for a family member of the employee made necessary  
18 by a serious health condition of the family member; or (b) to bond with  
19 the employee's child during the first twelve months after the child's  
20 birth, or the first twelve months after the placement of the child for  
21 adoption or foster care with the employee or on or after January first,  
22 two thousand twenty-six until January first, two thousand thirty, for  
23 the six weeks immediately following a stillbirth; or (c) because of any

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

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1 qualifying exigency as interpreted under the family and medical leave  
2 act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R. S.825.126[~~(a)(1)-(8)~~],  
3 arising out of the fact that the spouse, domestic partner, child, or  
4 parent of the employee is on active duty (or has been notified of an  
5 impending call or order to active duty) in the armed forces of the  
6 United States.

7 22. "Health care provider" shall mean for the purpose of [~~family~~  
8 ~~leave~~] this article, a person licensed under article one hundred thir-  
9 ty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred  
10 thirty-three, one hundred thirty-six, one hundred thirty-nine, one  
11 hundred forty-one, one hundred forty-three, one hundred forty-four, one  
12 hundred fifty-three, one hundred fifty-four, one hundred fifty-six or  
13 one hundred fifty-nine of the education law or a person licensed under  
14 the public health law, article one hundred forty of the education law or  
15 article one hundred sixty-three of the education law.

16 § 3. Section 203-a of the workers' compensation law, as added by  
17 section 4 of part SS of chapter 54 of the laws of 2016, is amended to  
18 read as follows:

19 § 203-a. Retaliatory action prohibited for [~~family~~] leave. 1. The  
20 provisions of section one hundred twenty of this chapter and section two  
21 hundred forty-one of this article shall be applicable to family and  
22 disability leave.

23 2. Nothing in this section shall be deemed to diminish the rights,  
24 privileges, or remedies of any employee under any collective bargaining  
25 agreement or employment contract.

26 § 4. Section 203-b of the workers' compensation law, as added by  
27 section 4 of part SS of chapter 54 of the laws of 2016, is amended to  
28 read as follows:

29 § 203-b. Reinstatement following [~~family~~] leave. Any eligible employee  
30 of a covered employer who takes leave under this article shall be enti-  
31 tled, on return from such leave, to be restored by the employer to the  
32 position of employment held by the employee when the leave commenced, or  
33 to be restored to a comparable position with comparable employment bene-  
34 fits, pay and other terms and conditions of employment. The taking of  
35 family or disability leave shall not result in the loss of any employ-  
36 ment benefit accrued prior to the date on which the leave commenced.  
37 Nothing in this section shall be construed to entitle any restored  
38 employee to the accrual of any seniority or employment benefits during  
39 any period of leave, or any right, benefit or position to which the  
40 employee would have been entitled had the employee not taken the leave.

41 § 5. Section 203-c of the workers' compensation law, as added by  
42 section 4 of part SS of chapter 54 of the laws of 2016, is amended to  
43 read as follows:

44 § 203-c. Health insurance during [~~family~~] leave. In accordance with  
45 the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any  
46 period of family or disability leave the employer shall maintain any  
47 existing health benefits of the employee in force for the duration of  
48 such leave as if the employee had continued to work from the date [~~he or~~  
49 ~~she~~] the employee commenced family or disability leave until the date  
50 [~~he or she~~] the employee returns to employment.

51 § 6. Section 204 of the workers' compensation law, as amended by  
52 section 5 of part SS of chapter 54 of the laws of 2016, is amended to  
53 read as follows:

54 § 204. Disability and family leave during employment. 1. Disability  
55 benefits shall be payable to an eligible employee for disabilities,  
56 beginning with the eighth day of disability and thereafter during the

1 continuance of disability, subject to the limitations as to maximum and  
2 minimum amounts and duration and other conditions and limitations in  
3 this section and in sections two hundred five and two hundred six of  
4 this article. Family leave benefits shall be payable to an eligible  
5 employee for the first full day when family leave is required and there-  
6 after during the continuance of the need for family leave, subject to  
7 the limitations as to maximum and minimum amounts and duration and other  
8 conditions and limitations in this section and in sections two hundred  
9 five and two hundred six of this article. Successive periods of disabili-  
10 ty or family leave caused by the same or related injury or sickness or  
11 qualifying event shall be deemed a single period of disability or family  
12 leave only if separated by less than three months.

13 2. (a) The weekly benefit for family leave that occurs (i) on or after  
14 January first, two thousand eighteen shall not exceed eight weeks during  
15 any fifty-two week calendar period and shall be fifty percent of the  
16 employee's average weekly wage but shall not exceed fifty percent of the  
17 state average weekly wage, (ii) on or after January first, two thousand  
18 nineteen shall not exceed ten weeks during any fifty-two week calendar  
19 period and shall be fifty-five percent of the employee's average weekly  
20 wage but shall not exceed fifty-five percent of the state average weekly  
21 wage, (iii) on or after January first, two thousand twenty shall not  
22 exceed ten weeks during any fifty-two week calendar period and shall be  
23 sixty percent of the employee's average weekly wage but shall not exceed  
24 sixty percent of the state average weekly wage, and (iv) on or after  
25 January first of each succeeding year, shall not exceed twelve weeks  
26 during any fifty-two week calendar period and shall be sixty-seven  
27 percent of the employee's average weekly wage but shall not exceed  
28 sixty-seven percent of the New York state average weekly wage in effect.  
29 The superintendent of financial services shall have discretion to delay  
30 the increases in the family leave benefit level provided in subpara-  
31 graphs (ii), (iii), and (iv) of this paragraph by one or more calendar  
32 years. In determining whether to delay the increase in the family leave  
33 benefit for any year, the superintendent of financial services shall  
34 consider: (1) the current cost to employees of the family leave benefit  
35 and any expected change in the cost after the benefit increase; (2) the  
36 current number of insurers issuing insurance policies with a family  
37 leave benefit and any expected change in the number of insurers issuing  
38 such policies after the benefit increase; (3) the impact of the benefit  
39 increase on employers' business and the overall stability of the program  
40 to the extent that information is readily available; (4) the impact of  
41 the benefit increase on the financial stability of the disability and  
42 family leave insurance market and carriers; and (5) any additional  
43 factors that the superintendent of financial services deems relevant. If  
44 the superintendent of financial services delays the increase in the  
45 family leave benefit level for one or more calendar years, the family  
46 leave benefit level that shall take effect immediately following the  
47 delay shall be the same benefit level that would have taken effect but  
48 for the delay. The weekly benefits for family leave that occurs on or  
49 after January first, two thousand eighteen shall not be less than one  
50 hundred dollars per week except that if the employee's wages at the time  
51 of family leave are less than one hundred dollars per week, the employee  
52 shall receive [~~his or her~~] the employee's full wages. Benefits may be  
53 payable to employees for paid family leave taken intermittently or for  
54 less than a full work week in increments of one full day or one fifth of  
55 the weekly benefit.

1 (b) The weekly benefit which the disabled employee is entitled to  
2 receive for the first twelve weeks of disability commencing: (i) on or  
3 after January first, two thousand twenty-seven shall be fifty-five  
4 percent of the employee's average weekly wage but shall not exceed fifty  
5 percent of the state average weekly wage; (ii) on or after January  
6 first, two thousand twenty-eight shall be sixty percent of the employ-  
7 ee's average weekly wage but shall not exceed fifty-five percent of the  
8 state average weekly wage; (iii) on or after January first, two thousand  
9 twenty-nine shall be sixty-seven percent of the employee's weekly aver-  
10 age wage but shall not exceed sixty percent of the state average weekly  
11 wage; and (iv) on or after January first of each succeeding year, shall  
12 be sixty-seven percent of the employee's average weekly wage but shall  
13 not exceed sixty-seven percent of the state average weekly wage. The  
14 weekly benefit which the disabled employee is entitled to receive for  
15 the periods of disability after the twelfth week of disability and  
16 through the twenty-sixth week of disability on or after January first,  
17 two thousand twenty-seven and each succeeding year shall be thirty  
18 percent of the employee's average weekly wage but shall not exceed thir-  
19 ty percent of the state average weekly wage. The chair of the workers'  
20 compensation board, in consultation with the superintendent of financial  
21 services, shall have discretion to increase the benefit level for the  
22 period of disability after the twelfth week of disability through the  
23 twenty-sixth week of disability, provided that such benefit shall not  
24 exceed sixty-seven percent of the state average weekly wage. In deter-  
25 mining whether to increase the disability benefit for any year, the  
26 chair of the workers' compensation board in consultation with the super-  
27 intendent of financial services shall consider factors including but not  
28 limited to utilization of the current benefit, the expected utilization  
29 of any increase, the need for a benefit increase, the current contrib-  
30 ution cost to employees and employers and the expected cost after any  
31 such benefit increase; the current number of insurers issuing insurance  
32 policies with a disability benefit and any expected change in the  
33 number of insurers issuing such policies after the benefit increase;  
34 and any additional factors that the chair of the workers' compensation  
35 board and the superintendent of financial services deems relevant. The  
36 weekly benefit which the disabled employee is entitled to receive for  
37 disability leave that occurs on or after January first, two thousand  
38 twenty-seven shall not be less than one hundred dollars per week except  
39 that if the employee's wages at the time of disability leave are less  
40 than one hundred dollars per week, the employee shall receive the  
41 employee's full wages. The weekly benefit which the disabled employee is  
42 entitled to receive for disability commencing on or after May first,  
43 nineteen hundred eighty-nine and prior to January first, two thousand  
44 twenty-seven shall be one-half of the employee's weekly wage, but in no  
45 case shall such benefit exceed one hundred seventy dollars; except that  
46 if the employee's average weekly wage is less than twenty dollars, the  
47 benefit shall be such average weekly wage. The weekly benefit which the  
48 disabled employee is entitled to receive for disability commencing on or  
49 after July first, nineteen hundred eighty-four shall be one-half of the  
50 employee's weekly wage, but in no case shall such benefit exceed one  
51 hundred forty-five dollars; except that if the employee's average weekly  
52 wage is less than twenty dollars, the benefit shall be such average  
53 weekly wage. The weekly benefit which the disabled employee is entitled  
54 to receive for disability commencing on or after July first, nineteen  
55 hundred eighty-three and prior to July first, nineteen hundred eighty-  
56 four shall be one-half of the employee's average weekly wage, but in no

1 case shall such benefit exceed one hundred thirty-five dollars nor be  
2 less than twenty dollars; except that if the employee's average weekly  
3 wage is less than twenty dollars the benefit shall be such average week-  
4 ly wage. The weekly benefit which the disabled employee is entitled to  
5 receive for disability commencing on or after July first, nineteen  
6 hundred seventy-four, and prior to July first, nineteen hundred eighty-  
7 three, shall be one-half of the employee's average weekly wage, but in  
8 no case shall such benefit exceed ninety-five dollars nor be less than  
9 twenty dollars; except that if the employee's average weekly wage is  
10 less than twenty dollars, the benefit shall be such average weekly wage.  
11 The weekly benefit which the disabled employee is entitled to receive  
12 for disability commencing on or after July first, nineteen hundred  
13 seventy and prior to July first, nineteen hundred seventy-four shall be  
14 one-half of the employee's average weekly wage, but in no case shall  
15 such benefit exceed seventy-five dollars nor be less than twenty  
16 dollars; except that if the employee's average weekly wage is less than  
17 twenty dollars the benefit shall be such average weekly wage. [~~For any~~  
18 ~~period of disability less than a full week, the benefits payable shall~~  
19 ~~be calculated by dividing the weekly benefit by the number of the~~  
20 ~~employee's normal work days per week and multiplying the quotient by the~~  
21 ~~number of normal work days in such period of disability.~~] Benefits may  
22 be payable to employees for disability leave taken intermittently or for  
23 less than a full work week in increments of one full day or one-fifth of  
24 the weekly benefit. The weekly benefit for a disabled employee who is  
25 concurrently eligible for benefits in the employment of more than one  
26 covered employer shall, within the maximum and minimum herein provided,  
27 be one-half of the total of the employee's average weekly wages received  
28 from all such covered employers, and shall be allocated in the propor-  
29 tion of [~~their~~] the employee's respective average weekly wage payments.

30 (c) Provided that the provisions of paragraph (b) of this subdivision  
31 concerning benefits on or after January first, two thousand twenty-seven  
32 and subparagraphs (i) and (ii) of paragraph (a) of subdivision three of  
33 section two hundred nine of this article may be waived by a covered  
34 employer subject to a collective bargaining agreement with a bona fide  
35 labor organization in effect on January first, two thousand twenty-seven  
36 for employees subject to such collective bargaining agreement for a  
37 disability commencing between January first, two thousand twenty-seven  
38 and until January first, two thousand thirty; and provided that for such  
39 waiver to be valid, it shall explicitly reference this section and be  
40 agreed to by the bona fide labor organization. Nothing herein shall  
41 prevent a collective bargaining agreement from providing temporary disa-  
42 bility benefits greater than the benefits required herein.

43 § 7. Subdivision 2 of section 206 of the workers' compensation law, as  
44 amended by section 7 of part SS of chapter 54 of the laws of 2016, is  
45 amended to read as follows:

46 2. If an employee who is eligible for disability benefits under  
47 section two hundred three or two hundred seven of this article is disa-  
48 bled and has claimed or subsequently claims workers' compensation bene-  
49 fits under this chapter or benefits under the volunteer firefighters'  
50 benefit law or the volunteer ambulance workers' benefit law, and such  
51 claim is controverted on the ground that the employee's disability was  
52 not caused by an accident that arose out of and in the course of [~~his~~]  
53 the employee's employment or by an occupational disease, or by an injury  
54 in line of duty as a volunteer firefighter or volunteer ambulance work-  
55 er, the employee shall be entitled in the first instance to receive  
56 benefits under this article for [~~his or her~~] the employee's disability.

1 If benefits have been paid under this article in respect to a disability  
2 alleged to have arisen out of and in the course of the employment or by  
3 reason of an occupational disease, or in line of duty as a volunteer  
4 firefighter or a volunteer ambulance worker, the employer or carrier or  
5 the chair making such payment may, at any time before award of workers'  
6 compensation benefits, or volunteer firefighters' benefits or volunteer  
7 ambulance workers' benefits, is made, file with the board a claim for  
8 reimbursement out of the proceeds of such award to the employee for the  
9 period for which disability benefits were paid to the employee under  
10 this article, and shall have a lien against the full award for  
11 reimbursement, notwithstanding the provisions of section thirty-three of  
12 this chapter or section twenty-three of the volunteer firefighters'  
13 benefit law or section twenty-three of the volunteer ambulance workers'  
14 benefit law provided the insurance carrier liable for payment of the  
15 award receives, before such award is made, a copy of the claim for  
16 reimbursement from the employer, carrier or chair who paid disability  
17 benefits, or provided the board's decision and award directs such  
18 reimbursement therefrom.

19 § 8. Paragraph (a) of subdivision 3 of section 209 of the workers'  
20 compensation law, as amended by section 10 of part SS of chapter 54 of  
21 the laws of 2016, is amended to read as follows:

22 (a) Disability benefits. (i) The contribution of each such employee to  
23 the cost of disability benefits provided by this article shall be one-  
24 half of one per centum of the employee's wages paid to [~~him or her~~] the  
25 employee on and after July first, nineteen hundred fifty, but not in  
26 excess of sixty cents per week.

27 (ii) Beginning January first, two thousand twenty-seven, the maximum  
28 employee contribution that a covered employer is authorized to collect  
29 from each employee for the cost of disability benefits provided by this  
30 article shall be one-half of one per centum of the employee's wages but  
31 shall not exceed two dollars and twenty cents per week provided, howev-  
32 er, that the employee contribution shall be pursuant to subparagraph (i)  
33 of this paragraph where such employee is covered under paragraph (c) of  
34 subdivision two of section two hundred four of this article.

35 (iii) Beginning January first, two thousand thirty, the maximum  
36 employee contribution that a covered employer is authorized to collect  
37 from each employee for the cost of disability benefits provided by this  
38 article shall be one-half of one per centum of the employee's wages, but  
39 shall not exceed forty percent of the average of the combination of all  
40 employee and employer contributions to disability benefits provided  
41 pursuant to paragraph (b) of subdivision two of section two hundred four  
42 of this article during the prior calendar year, as determined annually  
43 by the superintendent of financial services pursuant to subsection (n)  
44 of section four thousand two hundred thirty-five of the insurance law.  
45 A self-insurer shall submit reports to the superintendent of financial  
46 services for the purpose of determining forty percent of the average of  
47 the combination of all employee and employer contributions to disability  
48 benefits provided pursuant to paragraph (b) of subdivision two of  
49 section two hundred four of this article during the prior calendar year,  
50 pursuant to subsection (n) of section four thousand two hundred thirty-  
51 five of the insurance law.

52 § 9. The opening paragraph of section 211 of the workers' compensation  
53 law, as amended by section 12 of part SS of chapter 54 of the laws of  
54 2016, is amended to read as follows:

55 A covered employer, unless provided with a waiver pursuant to section  
56 204(2)(c), shall, with [~~his or her~~] such employer's own contributions

1 and the contributions of [~~his~~] such employer's employees, provide disa-  
2 bility and after January first, two thousand eighteen, family leave  
3 benefits to [~~his or her~~] such employer's employees in one or more of the  
4 following ways:

5 § 10. The opening paragraph and subdivision 1 of section 214 of the  
6 workers' compensation law, as amended by section 26 of part GG of chap-  
7 ter 57 of the laws of 2013, are amended to read as follows:

8 There is hereby created a fund which shall be known as the special  
9 fund for disability benefits to provide for the payment of [~~disability~~]  
10 benefits under sections two hundred seven, two hundred thirteen and  
11 attendance fees under section two hundred thirty-two of this article.

12 1. As promptly as practicable after April first, in each year, the  
13 [~~chairman~~] chair shall ascertain the condition of the fund, and if as of  
14 any such date the net assets of the fund shall be one million dollars or  
15 more below the sum of twelve million dollars, the [~~chairman~~] chair shall  
16 assess and collect an amount sufficient to restore the fund to an amount  
17 equal to twelve million dollars.[+] Such assessment shall be included in  
18 the assessment rate established pursuant to subdivision two of section  
19 one hundred fifty-one of this chapter. Such assessments shall be depos-  
20 ited with the commissioner of taxation and finance and transferred to  
21 the benefit of such fund upon payment of debt service, if any, pursuant  
22 to section one hundred fifty-one of this chapter.

23 § 11. Subdivision 1 of section 217 of the workers' compensation law,  
24 as amended by section 16 of part SS of chapter 54 of the laws of 2016,  
25 is amended to read as follows:

26 1. Written notice and proof of disability or proof of need for family  
27 leave shall be furnished to the employer by or on behalf of the employee  
28 claiming benefits or, in the case of a claimant under section two  
29 hundred seven of this article, to the chair, within thirty days after  
30 commencement of the period of disability. Additional proof shall be  
31 furnished thereafter from time to time as the employer or carrier or  
32 chair may require but not more often than once each week. Such proof  
33 shall include a statement of disability by the employee's [~~attending~~  
34 ~~physician or attending podiatrist or attending chiropractor or attending~~  
35 ~~dentist or attending psychologist or attending certified nurse midwife~~  
36 ~~or family leave care recipient's health care provider, or in the case of~~  
37 ~~an employee who adheres to the faith or teachings of any church or~~  
38 ~~denomination, and who in accordance with its creed, tenets or principles~~  
39 ~~depends for healing upon prayer through spiritual means alone in the~~  
40 ~~practice of religion, by an accredited practitioner,~~] health care  
41 provider containing facts and opinions as to such disability in compli-  
42 ance with regulations of the chair. Failure to furnish notice or proof  
43 within the time and in the manner above provided shall not invalidate  
44 the claim but no benefits shall be required to be paid for any period  
45 more than two weeks prior to the date on which the required proof is  
46 furnished unless it shall be shown to the satisfaction of the chair not  
47 to have been reasonably possible to furnish such notice or proof and  
48 that such notice or proof was furnished as soon as possible; provided,  
49 however, that no benefits shall be paid unless the required proof [~~of~~  
50 ~~disability~~] is furnished within the period of actual disability or fami-  
51 ly leave that does not exceed the statutory maximum period permitted  
52 under section two hundred four of this article. No limitation of time  
53 provided in this section shall run as against any disabled employee who  
54 is mentally incompetent, or physically incapable of providing such  
55 notice as a result of a serious medical condition, or a minor so long as  
56 such person has no guardian of the person and/or property.

1 § 12. Section 218 of the workers' compensation law, as added by chap-  
2 ter 600 of the laws of 1949, subdivision 2 as amended by chapter 809 of  
3 the laws of 1985, is amended to read as follows:

4 § 218. [~~Disability benefit~~] Benefit rights inalienable. 1. Any agree-  
5 ment by an employee to waive [~~his~~] the employee's rights under this  
6 article shall be void.

7 2. Disability or family leave benefits payable under this article  
8 shall not be assigned or released, except as provided in this article,  
9 and shall be exempt from all claims of creditors and from levy,  
10 execution and attachment or other remedy for recovery or collection of a  
11 debt, which exemption may not be waived provided, however, that such  
12 benefits shall be subject to an income execution or order for support  
13 enforcement pursuant to section fifty-two hundred forty-one or fifty-two  
14 hundred forty-two of the civil practice law and rules.

15 § 13. Section 221 of the workers' compensation law, as amended by  
16 section 19 of part SS of chapter 54 of the laws of 2016, is amended to  
17 read as follows:

18 § 221. Determination of contested claims for disability and family  
19 leave benefits. In accordance with regulations adopted by the chair,  
20 within twenty-six weeks of written notice of rejection of claim, the  
21 employee may file with the chair a notice that [~~his or her~~] the employ-  
22 ee's claim for disability or family leave benefits has not been paid,  
23 and the employee shall submit proof of disability or entitlement to  
24 family leave and of [~~his or her~~] the employee's employment, wages and  
25 other facts reasonably necessary for determination of the employee's  
26 right to such benefits. Failure to file such notice within the time  
27 provided, may be excused if it can be shown not to have been reasonably  
28 possible to furnish such notice and that such notice was furnished as  
29 soon as possible. On demand the employer or carrier shall forthwith  
30 deliver to the board the original or a true copy of the health care  
31 provider's report, wage and employment data and all other documentation  
32 in the possession of the employer or carrier with respect to such claim.

33 The chair or designee, shall have full power and authority to deter-  
34 mine all issues in relation to every such claim for disability benefits  
35 required or provided under this article, and shall file its decision in  
36 the office of the [~~chairman~~] chair. Upon such filing, the [~~chairman~~]  
37 chair shall send to the parties a copy of the decision. Either party may  
38 present evidence and be represented by counsel at any hearing on such  
39 claim. The decision of the board shall be final as to all questions of  
40 fact and, except as provided in section twenty-three of this chapter, as  
41 to all questions of law. Every decision shall be complied with in  
42 accordance with its terms within ten days thereafter except as permitted  
43 by law upon the filing of a request for review, and any payments due  
44 under such decision shall draw simple interest from thirty days after  
45 the making thereof at the rate provided in section five thousand four of  
46 the civil practice law and rules. The chair shall adopt rules and regu-  
47 lations to carry out the provisions of this article including but not  
48 limited to resolution of contested claims and requests for review there-  
49 of, and payment of costs for resolution of disputed claims by carriers.  
50 Any designated process shall afford the parties the opportunity to pres-  
51 ent evidence and to be represented by counsel in any such proceeding.  
52 The chair shall have the authority to provide for alternative dispute  
53 resolution procedures for claims arising under disability and family  
54 leave, including but not limited to referral and submission of disputed  
55 claims to a neutral arbitrator under the auspices of an alternative  
56 dispute resolution association pursuant to article seventy-five of the

1 civil practice law and rules. Neutral arbitrator shall mean an arbitra-  
2 tor who does not have a material interest in the outcome of the arbi-  
3 tration proceeding or an existing and substantial relationship, includ-  
4 ing but not limited to pecuniary interests, with a party, counsel or  
5 representative of a party. Any determination made by alternative dispute  
6 resolution shall not be reviewable by the board and the venue for any  
7 appeal shall be to a court of competent jurisdiction.

8 § 14. Section 228 of the workers' compensation law, as added by  
9 section 27 of part GG of chapter 57 of the laws of 2013, is amended to  
10 read as follows:

11 § 228. Administrative expenses. 1. The estimated annual expenses  
12 necessary for the workers' compensation board to administer the  
13 provisions of the disability and paid family leave benefits law shall be  
14 borne by all affected employers and included as part of the assessment  
15 rate generated pursuant to subdivision two of section one hundred  
16 fifty-one of this chapter.

17 2. Annually, as soon as practicable after the first day of April, the  
18 chair and department of audit and control shall ascertain the total  
19 amount of actual expenses.

20 § 15. Subsection (n) of section 4235 of the insurance law is amended  
21 by adding a new paragraph 4 to read as follows:

22 (4)(A) The superintendent shall establish by September first of each  
23 year the maximum employee contribution that a covered employer, as  
24 defined in section two hundred two of the workers' compensation law, is  
25 authorized to collect from each employee for the cost of disability  
26 benefits provided pursuant to article nine of the workers' compensation  
27 law through a group accident and health insurance policy or through a  
28 self-funded employer for its employees. Beginning January first, two  
29 thousand twenty-seven, the maximum employee contribution amount shall be  
30 two dollars and twenty cents per week, and beginning January first, two  
31 thousand thirty, the maximum employee contribution shall be one-half of  
32 one percent of the employee's wages but shall not exceed forty percent  
33 of the average of the combination of all employee and employer contrib-  
34 utions to disability benefits provided pursuant to paragraph (b) of  
35 subdivision two of section two hundred four of the workers' compensation  
36 law during the prior calendar year, which the superintendent shall  
37 determine and publish on the department's website.

38 (B) A self-funded employer shall submit reports to the superintendent  
39 for the purpose of determining forty percent of the average of the  
40 combination of all employee and employer contributions to disability  
41 benefits provided pursuant to paragraph (b) of subdivision two of  
42 section two hundred four of the workers' compensation law. A self-fund-  
43 ed employer shall submit a report to the superintendent by July first,  
44 two thousand twenty-six that sets forth employee and employer contrib-  
45 utions to disability benefits provided pursuant to paragraph (b) of  
46 subdivision two of section two hundred four of the workers' compensation  
47 law for the year ending two thousand twenty-five, in a format determined  
48 by the superintendent. Beginning April first, two thousand twenty-sev-  
49 en, and annually thereafter, a self-funded employer shall submit a  
50 report to the superintendent that sets forth employee and employer  
51 contributions to disability benefits provided pursuant to paragraph (b)  
52 of subdivision two of section two hundred four of the workers' compen-  
53 sation law for the prior calendar year, in a format determined by the  
54 superintendent.

55 § 16. Section 2605 of the insurance law is amended to read as follows:

1 § 2605. Penalty for violating workers' compensation law. The super-  
2 intendent may impose a penalty not to exceed twenty-five hundred dollars  
3 per violation upon any insurer required to be licensed under the  
4 provisions of this chapter, if, after notice to and a hearing of such  
5 insurer, [~~he~~] the superintendent finds it has unreasonably failed to  
6 comply with the workers' compensation law.

7 § 17. This act shall take effect immediately and shall apply to all  
8 policies issued, renewed, modified, altered, or amended on or after  
9 January 1, 2027.