

STATE OF NEW YORK

9571

IN ASSEMBLY

January 16, 2026

Introduced by M. of A. BRONSON, SOLAGES, PHEFFER AMATO, BICHOTTE HERMELYN, SHRESTHA, CRUZ, STECK, SHIMSKY, BURDICK, KIM, GLICK, SEAWRIGHT, FORREST, GONZALEZ-ROJAS, LUNSFORD, COLTON, SIMON, REYES, ROZIC, LEVENBERG, CLARK, GALLAGHER, MEEKS, VALDEZ, ROMERO, WEPRIN, HEVESI, TAYLOR, GRIFFIN, BRABENEC, BURROUGHS, ALVAREZ, SLATER, WOERNER, MAHER, KELLES, BORES, LASHER, SANTABARBARA, GALLAHAN, SAYEGH, SIMONE, FALL, ANGELINO, CHLUDZINSKI, GIGLIO, KASSAY, R. CARROLL, ANDERSON, RIVERA, McMAHON, P. CARROLL, WRIGHT, TAPIA, SEMPOLINSKI, McDONOUGH, MITAYNES, KAY, TORRES, SCHIAVONI, RAGA, LUPARDO, ROSENTHAL, BENEDETTO, PAULIN, BUTTENSCHON, ZACCARO, LAVINE, BENDETT, GIBBS, CUNNINGHAM, OTIS, SEPTIMO, LUCAS, K. BROWN, STIRPE, DE LOS SANTOS, STERN, WIEDER, EACHUS, JACOBSON, MAGNARELLI, CHANDLER-WATERMAN, ZINERMAN -- Multi-Sponsored by -- M. of A. DAVILA -- 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

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

LBD00302-04-6

1 psychological care, for a family member of the employee made necessary
2 by a serious health condition of the family member; or (b) to bond with
3 the employee's child during the first twelve months after the child's
4 birth, or the first twelve months after the placement of the child for
5 adoption or foster care with the employee or on or after January first,
6 two thousand twenty-seven until January first, two thousand thirty-one,
7 for the six weeks immediately following a stillbirth; or (c) because of
8 any qualifying exigency as interpreted under the family and medical
9 leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R.
10 S.825.126[~~(a)(1)-(8)~~], arising out of the fact that the spouse, domestic
11 partner, child, or parent of the employee is on active duty (or has been
12 notified of an impending call or order to active duty) in the armed
13 forces of the United States.

14 22. "Health care provider" shall mean for the purpose of [~~family~~
15 ~~leave~~] this article, a person licensed under article one hundred thir-
16 ty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred
17 thirty-three, one hundred thirty-six, one hundred thirty-nine, one
18 hundred forty-one, one hundred forty-three, one hundred forty-four, one
19 hundred fifty-three, one hundred fifty-four, one hundred fifty-six or
20 one hundred fifty-nine of the education law or a person licensed under
21 the public health law, article one hundred forty of the education law or
22 article one hundred sixty-three of the education law.

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

26 § 203-a. Retaliatory action prohibited for [~~family~~] leave. 1. The
27 provisions of section one hundred twenty of this chapter and section two
28 hundred forty-one of this article shall be applicable to family and
29 disability leave.

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

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

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

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

51 § 203-c. Health insurance during [~~family~~] leave. In accordance with
52 the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any
53 period of family or disability leave the employer shall maintain any
54 existing health benefits of the employee in force for the duration of
55 such leave as if the employee had continued to work from the date [~~he or~~

1 ~~she~~ the employee commenced family or disability leave until the date
2 [~~he or she~~] the employee returns to employment.

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

6 § 204. Disability and family leave during employment. 1. Disability
7 benefits shall be payable to an eligible employee for disabilities,
8 beginning with the eighth day of disability and thereafter during the
9 continuance of disability, subject to the limitations as to maximum and
10 minimum amounts and duration and other conditions and limitations in
11 this section and in sections two hundred five and two hundred six of
12 this article. Family leave benefits shall be payable to an eligible
13 employee for the first full day when family leave is required and there-
14 after during the continuance of the need for family leave, subject to
15 the limitations as to maximum and minimum amounts and duration and other
16 conditions and limitations in this section and in sections two hundred
17 five and two hundred six of this article. Successive periods of disabil-
18 ity or family leave caused by the same or related injury or sickness or
19 qualifying event shall be deemed a single period of disability or family
20 leave only if separated by less than three months.

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

1 after January first, two thousand eighteen shall not be less than one
2 hundred dollars per week except that if the employee's wages at the time
3 of family leave are less than one hundred dollars per week, the employee
4 shall receive [~~his or her~~] the employee's full wages. Benefits may be
5 payable to employees for paid family leave taken intermittently or for
6 less than a full work week in increments of one full day or one fifth of
7 the weekly benefit.

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

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

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

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

53 2. If an employee who is eligible for disability benefits under
54 section two hundred three or two hundred seven of this article is disa-
55 bled and has claimed or subsequently claims workers' compensation bene-
56 fits under this chapter or benefits under the volunteer firefighters'

1 benefit law or the volunteer ambulance workers' benefit law, and such
2 claim is controverted on the ground that the employee's disability was
3 not caused by an accident that arose out of and in the course of [~~his~~]
4 the employee's employment or by an occupational disease, or by an injury
5 in line of duty as a volunteer firefighter or volunteer ambulance work-
6 er, the employee shall be entitled in the first instance to receive
7 benefits under this article for [~~his or her~~] the employee's disability.
8 If benefits have been paid under this article in respect to a disability
9 alleged to have arisen out of and in the course of the employment or by
10 reason of an occupational disease, or in line of duty as a volunteer
11 firefighter or a volunteer ambulance worker, the employer or carrier or
12 the chair making such payment may, at any time before award of workers'
13 compensation benefits, or volunteer firefighters' benefits or volunteer
14 ambulance workers' benefits, is made, file with the board a claim for
15 reimbursement out of the proceeds of such award to the employee for the
16 period for which disability benefits were paid to the employee under
17 this article, and shall have a lien against the full award for
18 reimbursement, notwithstanding the provisions of section thirty-three of
19 this chapter or section twenty-three of the volunteer firefighters'
20 benefit law or section twenty-three of the volunteer ambulance workers'
21 benefit law provided the insurance carrier liable for payment of the
22 award receives, before such award is made, a copy of the claim for
23 reimbursement from the employer, carrier or chair who paid disability
24 benefits, or provided the board's decision and award directs such
25 reimbursement therefrom.

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

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

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

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

1 pursuant to subsection (n) of section four thousand two hundred thirty-
2 five of the insurance law.

3 § 9. The opening paragraph of section 211 of the workers' compensation
4 law, as amended by section 12 of part SS of chapter 54 of the laws of
5 2016, is amended to read as follows:

6 A covered employer, unless provided with a waiver pursuant to section
7 204(2)(c), shall, with [~~his or her~~] such employer's own contributions
8 and the contributions of [~~his~~] such employer's employees, provide disa-
9 bility and after January first, two thousand eighteen, family leave
10 benefits to [~~his or her~~] such employer's employees in one or more of the
11 following ways:

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

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

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

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

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

1 ~~disability~~] is furnished within the period of actual disability or fami-
2 ly leave that does not exceed the statutory maximum period permitted
3 under section two hundred four of this article. No limitation of time
4 provided in this section shall run as against any disabled employee who
5 is mentally incompetent, or physically incapable of providing such
6 notice as a result of a serious medical condition, or a minor so long as
7 such person has no guardian of the person and/or property.

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

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

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

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

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

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

1 Any designated process shall afford the parties the opportunity to pres-
2 ent evidence and to be represented by counsel in any such proceeding.
3 The chair shall have the authority to provide for alternative dispute
4 resolution procedures for claims arising under disability and family
5 leave, including but not limited to referral and submission of disputed
6 claims to a neutral arbitrator under the auspices of an alternative
7 dispute resolution association pursuant to article seventy-five of the
8 civil practice law and rules. Neutral arbitrator shall mean an arbitra-
9 tor who does not have a material interest in the outcome of the arbi-
10 tration proceeding or an existing and substantial relationship, includ-
11 ing but not limited to pecuniary interests, with a party, counsel or
12 representative of a party. Any determination made by alternative dispute
13 resolution shall not be reviewable by the board and the venue for any
14 appeal shall be to a court of competent jurisdiction.

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

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

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

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

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

45 (B) A self-funded employer shall submit reports to the superintendent
46 for the purpose of determining forty percent of the average of the
47 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 the workers' compensation law. A self-fund-
50 ed employer shall submit a report to the superintendent by July first,
51 two thousand twenty-seven that sets forth employee and employer contrib-
52 utions to disability benefits provided pursuant to paragraph (b) of
53 subdivision two of section two hundred four of the workers' compensation
54 law for the year ending two thousand twenty-six, in a format determined
55 by the superintendent. Beginning April first, two thousand twenty-
56 eight, and annually thereafter, a self-funded employer shall submit a

1 report to the superintendent that sets forth employee and employer
2 contributions to disability benefits provided pursuant to paragraph (b)
3 of subdivision two of section two hundred four of the workers' compen-
4 sation law for the prior calendar year, in a format determined by the
5 superintendent.

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

7 § 2605. Penalty for violating workers' compensation law. The super-
8 intendent may impose a penalty not to exceed twenty-five hundred dollars
9 per violation upon any insurer required to be licensed under the
10 provisions of this chapter, if, after notice to and a hearing of such
11 insurer, [~~he~~] the superintendent finds it has unreasonably failed to
12 comply with the workers' compensation law.

13 § 17. This act shall take effect immediately and shall apply to all
14 policies issued, renewed, modified, altered, or amended on or after
15 January 1, 2028.