

STATE OF NEW YORK

9571--A

IN ASSEMBLY

January 16, 2026

Introduced by M. of A. BRONSON, SOLAGES, PHEFFER AMATO, BICHOTTE HERME-
LYN, SHRESTHA, CRUZ, STECK, SHIMSKY, BURDICK, KIM, GLICK, SEAWRIGHT,
FORREST, GONZALEZ-ROJAS, LUNSFORD, COLTON, SIMON, REYES, ROZIC, LEVEN-
BERG, 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, ZACCA-
RO, LAVINE, BENDETT, GIBBS, CUNNINGHAM, OTIS, SEPTIMO, LUCAS,
K. BROWN, STIRPE, DE LOS SANTOS, STERN, WIEDER, EACHUS, JACOBSON,
MAGNARELLI, CHANDLER-WATERMAN, ZINERMAN, MORENO, COOK, LEE, MORINELLO,
BERGER, CASHMAN, CONRAD, BRAUNSTEIN, HOOKS, O'PHARROW, JACKSON,
WILLIAMS, DURSO, BARRETT, HAWLEY, DILAN, BURKE, DAIS, DINOWITZ, HUNT-
ER, McDONALD, POWERS, RAJKUMAR, RAMOS, VANEL, WALKER -- Multi-Spon-
sored by -- M. of A. DAVILA -- read once and referred to the Committee
on Labor -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee

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 Assem-
bly, 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~~

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

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1 ~~which the employee uses for family leave,~~] and for which the employee
2 has not received [~~his or her~~] the employee's regular remuneration.

3 15. "Family leave" shall mean any leave taken by an employee from
4 work: (a) to participate in providing care, including physical or
5 psychological care, for a family member of the employee made necessary
6 by a serious health condition of the family member; or (b) to bond with
7 the employee's child during the first twelve months after the child's
8 birth, or the first twelve months after the placement of the child for
9 adoption or foster care with the employee or on or after January first,
10 two thousand twenty-seven until January first, two thousand thirty-one,
11 for the six weeks immediately following a pregnancy loss at or after
12 twenty weeks of gestation if the employee who experienced the pregnancy
13 loss would have been deemed eligible to take family leave benefits under
14 this article based on an expected birth or placement and would otherwise
15 subsequently be deemed ineligible for family leave benefits due to preg-
16 nancy loss; or (c) because of any qualifying exigency as interpreted
17 under the family and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and
18 29 C.F.R. S.825.126[~~(a)(1)-(8)~~], arising out of the fact that the
19 spouse, domestic partner, child, or parent of the employee is on active
20 duty (or has been notified of an impending call or order to active duty)
21 in the armed forces of the United States.

22 22. "Health care provider" shall mean for the purpose of [~~family~~
23 ~~leave~~] this article, a person licensed under article one hundred thir-
24 ty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred
25 thirty-three, one hundred thirty-six, one hundred thirty-nine, one
26 hundred forty-one, one hundred forty-three, one hundred forty-four, one
27 hundred fifty-three, one hundred fifty-four, one hundred fifty-six or
28 one hundred fifty-nine of the education law or a person licensed under
29 the public health law, article one hundred forty of the education law or
30 article one hundred sixty-three of the education law.

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

34 § 203-a. Retaliatory action prohibited for [~~family~~] leave. 1. The
35 provisions of section one hundred twenty of this chapter and section two
36 hundred forty-one of this article shall be applicable to family and
37 disability leave.

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

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

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

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

§ 6. Section 203-c of the workers' compensation law, as amended by chapter 72 of the laws of 2026, is amended to read as follows:

§ 203-c. Health insurance during ~~[family]~~ leave. In accordance with the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any period of family or disability leave the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date such employee commenced family or disability leave until the date such employee returns to employment. Notwithstanding the foregoing, construction employees shall maintain any existing union health plan or fund benefits in force for the duration of family or disability leave as if the construction employee had continued to work from the date they commenced family or disability leave until the date the construction employee returns to employment. Nothing herein prevents parties to a collective bargaining agreement for construction employees from providing additional terms including, but not limited to, payment of health contributions for such employees on leave time, whether leave time is considered hours worked for purposes of eligibility in the health plan or fund, or other terms that do not conflict with this section.

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

§ 204. Disability and family leave during employment. 1. Disability benefits shall be payable to an eligible employee for disabilities, beginning with the eighth day of disability and thereafter during the continuance of disability, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Family leave benefits shall be payable to an eligible employee for the first full day when family leave is required and thereafter during the continuance of the need for family leave, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Successive periods of disability or family leave caused by the same or related injury or sickness or qualifying event shall be deemed a single period of disability or family leave only if separated by less than three months.

2. (a) The weekly benefit for family leave that occurs (i) on or after January first, two thousand eighteen shall not exceed eight weeks during any fifty-two week calendar period and shall be fifty percent of the employee's average weekly wage but shall not exceed fifty percent of the state average weekly wage, (ii) on or after January first, two thousand nineteen shall not exceed ten weeks during any fifty-two week calendar period and shall be fifty-five percent of the employee's average weekly wage but shall not exceed fifty-five percent of the state average weekly wage, (iii) on or after January first, two thousand twenty shall not

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

35 (b) The weekly benefit which the disabled employee is entitled to
36 receive for the first twelve weeks of disability commencing: (i) on or
37 after January first, two thousand twenty-eight shall be fifty-five
38 percent of the employee's average weekly wage but shall not exceed fifty
39 percent of the state average weekly wage; (ii) on or after January
40 first, two thousand twenty-nine shall be sixty percent of the employee's
41 average weekly wage but shall not exceed fifty-five percent of the state
42 average weekly wage; (iii) on or after January first, two thousand thir-
43 ty shall be sixty-seven percent of the employee's weekly average wage
44 but shall not exceed sixty percent of the state average weekly wage; and
45 (iv) on or after January first of each succeeding year, shall be sixty-
46 seven percent of the employee's average weekly wage but shall not exceed
47 sixty-seven percent of the state average weekly wage. The weekly bene-
48 fit which the disabled employee is entitled to receive for the periods
49 of disability after the twelfth week of disability and through the twen-
50 ty-sixth week of disability on or after January first, two thousand
51 twenty-eight and each succeeding year shall be thirty percent of the
52 employee's average weekly wage but shall not exceed thirty percent of
53 the state average weekly wage. The chair of the workers' compensation
54 board, in consultation with the superintendent of financial services,
55 shall have discretion to increase the benefit level for the period of
56 disability after the twelfth week of disability through the twenty-sixth

week of disability, provided that such benefit shall not exceed sixty-seven percent of the state average weekly wage. In determining whether to increase the disability benefit for any year, the chair of the workers' compensation board in consultation with the superintendent of financial services shall consider factors including but not limited to utilization of the current benefit, the expected utilization of any increase, the need for a benefit increase, the current contribution cost to employees and employers and the expected cost after any such benefit increase; the current number of insurers issuing insurance policies with a disability benefit and any expected change in the number of insurers issuing such policies after the benefit increase; and any additional factors that the chair of the workers' compensation board and the superintendent of financial services deems relevant. The weekly benefit which the disabled employee is entitled to receive for disability leave that occurs on or after January first, two thousand twenty-eight shall not be less than one hundred dollars per week except that if the employee's wages at the time of disability leave are less than one hundred dollars per week, the employee shall receive the employee's full wages. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after May first, nineteen hundred eighty-nine and prior to January first, two thousand twenty-eight shall be one-half of the employee's weekly wage, but in no case shall such benefit exceed one hundred seventy dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred eighty-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed one hundred thirty-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy-four, and prior to July first, nineteen hundred eighty-three, shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed ninety-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars, the benefit shall be such average weekly wage. The weekly benefit which the disabled employee is entitled to receive for disability commencing on or after July first, nineteen hundred seventy and prior to July first, nineteen hundred seventy-four shall be one-half of the employee's average weekly wage, but in no case shall such benefit exceed seventy-five dollars nor be less than twenty dollars; except that if the employee's average weekly wage is less than twenty dollars the benefit shall be such average weekly wage. ~~[For any period of disability less than a full week, the benefits payable shall be calculated by dividing the weekly benefit by the number of the employee's normal work days per week and multiplying the quotient by the number of normal work days in such period of disability.]~~ Benefits may be payable to employees for disability leave taken intermittently or for

1 less than a full work week in increments of one full day or one-fifth of
2 the weekly benefit. The weekly benefit for a disabled employee who is
3 concurrently eligible for benefits in the employment of more than one
4 covered employer shall, within the maximum and minimum herein provided,
5 be one-half of the total of the employee's average weekly wages received
6 from all such covered employers, and shall be allocated in the propor-
7 tion of ~~[their]~~ the employee's respective average weekly wage payments.

8 (c) Provided that the provisions of paragraph (b) of this subdivision
9 concerning benefits on or after January first, two thousand twenty-eight
10 and subparagraphs (i) and (ii) of paragraph (a) of subdivision three of
11 section two hundred nine of this article may be waived by a covered
12 employer subject to a collective bargaining agreement with a bona fide
13 labor organization in effect on January first, two thousand twenty-eight
14 for employees subject to such collective bargaining agreement for a
15 disability commencing between January first, two thousand twenty-eight
16 and until January first, two thousand thirty-one; and provided that for
17 such waiver to be valid, it shall explicitly reference this section and
18 be agreed to by the bona fide labor organization. Nothing herein shall
19 prevent a collective bargaining agreement from providing temporary disa-
20 bility benefits greater than the benefits required herein.

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

24 2. If an employee who is eligible for disability benefits under
25 section two hundred three or two hundred seven of this article is disa-
26 bled and has claimed or subsequently claims workers' compensation bene-
27 fits under this chapter or benefits under the volunteer firefighters'
28 benefit law or the volunteer ambulance workers' benefit law, and such
29 claim is controverted on the ground that the employee's disability was
30 not caused by an accident that arose out of and in the course of ~~[his]~~
31 the employee's employment or by an occupational disease, or by an injury
32 in line of duty as a volunteer firefighter or volunteer ambulance work-
33 er, the employee shall be entitled in the first instance to receive
34 benefits under this article for ~~[his or her]~~ the employee's disability.
35 If benefits have been paid under this article in respect to a disability
36 alleged to have arisen out of and in the course of the employment or by
37 reason of an occupational disease, or in line of duty as a volunteer
38 firefighter or a volunteer ambulance worker, the employer or carrier or
39 the chair making such payment may, at any time before award of workers'
40 compensation benefits, or volunteer firefighters' benefits or volunteer
41 ambulance workers' benefits, is made, file with the board a claim for
42 reimbursement out of the proceeds of such award to the employee for the
43 period for which disability benefits were paid to the employee under
44 this article, and shall have a lien against the full award for
45 reimbursement, notwithstanding the provisions of section thirty-three of
46 this chapter or section twenty-three of the volunteer firefighters'
47 benefit law or section twenty-three of the volunteer ambulance workers'
48 benefit law provided the insurance carrier liable for payment of the
49 award receives, before such award is made, a copy of the claim for
50 reimbursement from the employer, carrier or chair who paid disability
51 benefits, or provided the board's decision and award directs such
52 reimbursement therefrom.

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

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

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

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

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

A covered employer, unless provided with a waiver pursuant to paragraph (c) of subdivision two of section 204 of this article, shall, with ~~[his or her]~~ such employer's own contributions and the contributions of ~~[his]~~ such employer's employees, provide disability and after January first, two thousand eighteen, family leave benefits to ~~[his or her]~~ such employer's employees in one or more of the following ways:

§ 11. The opening paragraph and subdivision 1 of section 214 of the workers' compensation law, as amended by section 26 of part GG of chapter 57 of the laws of 2013, are amended to read as follows:

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

1. As promptly as practicable after April first, in each year, the ~~[chairman]~~ chair shall ascertain the condition of the fund, and if as of any such date the net assets of the fund shall be one million dollars or more below the sum of twelve million dollars, the ~~[chairman]~~ chair shall assess and collect an amount sufficient to restore the fund to an amount equal to twelve million dollars.~~[-]~~ Such assessment shall be included in the assessment rate established pursuant to subdivision two of section one hundred fifty-one of this chapter. Such assessments shall be deposited with the commissioner of taxation and finance and transferred to

1 the benefit of such fund upon payment of debt service, if any, pursuant
2 to section one hundred fifty-one of this chapter.

3 § 12. Subdivision 1 of section 217 of the workers' compensation law,
4 as amended by section 16 of part SS of chapter 54 of the laws of 2016,
5 is amended to read as follows:

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

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

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

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

51 § 14. Section 221 of the workers' compensation law, as amended by
52 section 19 of part SS of chapter 54 of the laws of 2016, is amended to
53 read as follows:

54 § 221. Determination of contested claims for disability and family
55 leave benefits. In accordance with regulations adopted by the chair,
56 within twenty-six weeks of written notice of rejection of claim, the

1 employee may file with the chair a notice that [~~his or her~~] the employ-
2 ee's claim for disability or family leave benefits has not been paid,
3 and the employee shall submit proof of disability or entitlement to
4 family leave and of [~~his or her~~] the employee's employment, wages and
5 other facts reasonably necessary for determination of the employee's
6 right to such benefits. Failure to file such notice within the time
7 provided, may be excused if it can be shown not to have been reasonably
8 possible to furnish such notice and that such notice was furnished as
9 soon as possible. On demand the employer or carrier shall forthwith
10 deliver to the board the original or a true copy of the health care
11 provider's report, wage and employment data and all other documentation
12 in the possession of the employer or carrier with respect to such claim.

13 The chair or designee, shall have full power and authority to deter-
14 mine all issues in relation to every such claim for disability benefits
15 required or provided under this article, and shall file its decision in
16 the office of the [~~chairman~~] chair. Upon such filing, the [~~chairman~~]
17 chair shall send to the parties a copy of the decision. Either party may
18 present evidence and be represented by counsel at any hearing on such
19 claim. The decision of the board shall be final as to all questions of
20 fact and, except as provided in section twenty-three of this chapter, as
21 to all questions of law. Every decision shall be complied with in
22 accordance with its terms within ten days thereafter except as permitted
23 by law upon the filing of a request for review, and any payments due
24 under such decision shall draw simple interest from thirty days after
25 the making thereof at the rate provided in section five thousand four of
26 the civil practice law and rules. The chair shall adopt rules and regu-
27 lations to carry out the provisions of this article including but not
28 limited to resolution of contested claims and requests for review there-
29 of, and payment of costs for resolution of disputed claims by carriers.
30 Any designated process shall afford the parties the opportunity to pres-
31 ent evidence and to be represented by counsel in any such proceeding.
32 The chair shall have the authority to provide for alternative dispute
33 resolution procedures for claims arising under disability and family
34 leave, including but not limited to referral and submission of disputed
35 claims to a neutral arbitrator under the auspices of an alternative
36 dispute resolution association pursuant to article seventy-five of the
37 civil practice law and rules. Neutral arbitrator shall mean an arbitra-
38 tor who does not have a material interest in the outcome of the arbi-
39 tration proceeding or an existing and substantial relationship, includ-
40 ing but not limited to pecuniary interests, with a party, counsel or
41 representative of a party. Any determination made by alternative dispute
42 resolution shall not be reviewable by the board and the venue for any
43 appeal shall be to a court of competent jurisdiction.

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

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

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

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

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

(B) A self-funded employer shall submit reports to the superintendent for the purpose of determining forty percent of the average of the combination of all employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law. A self-funded employer shall submit a report to the superintendent by July first, two thousand twenty-seven that sets forth employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law for the year ending two thousand twenty-six, in a format determined by the superintendent. Beginning April first, two thousand twenty-eight, and annually thereafter, a self-funded employer shall submit a report to the superintendent that sets forth employee and employer contributions to disability benefits provided pursuant to paragraph (b) of subdivision two of section two hundred four of the workers' compensation law for the prior calendar year, in a format determined by the superintendent.

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

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

§ 18. This act shall take effect immediately and shall apply to all policies issued, renewed, modified, altered, or amended on or after January 1, 2028; provided, however, that the amendments to section 203-c of the workers' compensation law made by section six of this act shall take effect on the same date and in the same manner as section 5 of chapter 72 of the laws of 2026 takes effect.