

STATE OF NEW YORK

172

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RAMOS, COONEY, WEBB -- read twice and ordered printed, and when printed to be committed 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
24 qualifying exigency as interpreted under the family and medical leave

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

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

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

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

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

§ 4. Section 203-b 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-b. Reinstatement following [~~family~~] leave. Any eligible employee of a covered employer who takes leave under this article shall be entitled, on return from such leave, to be restored by the employer to the position of employment held by the employee when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay and other terms and conditions of employment. The taking of family or disability leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. Nothing in this section shall be construed to entitle any restored employee to the accrual of any seniority or employment benefits during any period of leave, or any right, benefit or position to which the 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 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

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

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

55 (b) The weekly benefit which the disabled employee is entitled to
56 receive for the first twelve weeks of disability commencing: (i) on or

1 after January first, two thousand twenty-seven shall be fifty-five
2 percent of the employee's average weekly wage but shall not exceed fifty
3 percent of the state average weekly wage; (ii) on or after January
4 first, two thousand twenty-eight shall be sixty percent of the employ-
5 ee's average weekly wage but shall not exceed fifty-five percent of the
6 state average weekly wage; (iii) on or after January first, two thousand
7 twenty-nine shall be sixty-seven percent of the employee's weekly aver-
8 age wage but shall not exceed sixty percent of the state average weekly
9 wage; and (iv) on or after January first of each succeeding year, shall
10 be sixty-seven percent of the employee's average weekly wage but shall
11 not exceed sixty-seven percent of the state average weekly wage. The
12 weekly benefit which the disabled employee is entitled to receive for
13 the periods of disability after the twelfth week of disability and
14 through the twenty-sixth week of disability on or after January first,
15 two thousand twenty-seven and each succeeding year shall be thirty
16 percent of the employee's average weekly wage but shall not exceed thir-
17 ty percent of the state average weekly wage. The chair of the workers'
18 compensation board, in consultation with the superintendent of financial
19 services, shall have discretion to increase the benefit level for the
20 period of disability after the twelfth week of disability through the
21 twenty-sixth week of disability, provided that such benefit shall not
22 exceed sixty-seven percent of the state average weekly wage. In deter-
23 mining whether to increase the disability benefit for any year, the
24 chair of the workers' compensation board in consultation with the super-
25 intendent of financial services shall consider factors including but not
26 limited to utilization of the current benefit, the expected utilization
27 of any increase, the need for a benefit increase, the current contrib-
28 ution cost to employees and employers and the expected cost after any
29 such benefit increase; the current number of insurers issuing insurance
30 policies with a disability benefit and any expected change in the
31 number of insurers issuing such policies after the benefit increase;
32 and any additional factors that the chair of the workers' compensation
33 board and the superintendent of financial services deems relevant. The
34 weekly benefit which the disabled employee is entitled to receive for
35 disability leave that occurs on or after January first, two thousand
36 twenty-seven shall not be less than one hundred dollars per week except
37 that if the employee's wages at the time of disability leave are less
38 than one hundred dollars per week, the employee shall receive the
39 employee's full wages. The weekly benefit which the disabled employee is
40 entitled to receive for disability commencing on or after May first,
41 nineteen hundred eighty-nine and prior to January first, two thousand
42 twenty-seven shall be one-half of the employee's weekly wage, but in no
43 case shall such benefit exceed one hundred seventy dollars; except that
44 if the employee's average weekly wage is less than twenty dollars, the
45 benefit shall be such average weekly wage. The weekly benefit which the
46 disabled employee is entitled to receive for disability commencing on or
47 after July first, nineteen hundred eighty-four shall be one-half of the
48 employee's weekly wage, but in no case shall such benefit exceed one
49 hundred forty-five dollars; except that if the employee's average weekly
50 wage is less than twenty dollars, the benefit shall be such average
51 weekly wage. The weekly benefit which the disabled employee is entitled
52 to receive for disability commencing on or after July first, nineteen
53 hundred eighty-three and prior to July first, nineteen hundred eighty-
54 four shall be one-half of the employee's average weekly wage, but in no
55 case shall such benefit exceed one hundred thirty-five dollars nor be
56 less than twenty dollars; except that if the employee's average weekly

1 wage is less than twenty dollars the benefit shall be such average week-
2 ly wage. The weekly benefit which the disabled employee is entitled to
3 receive for disability commencing on or after July first, nineteen
4 hundred seventy-four, and prior to July first, nineteen hundred eighty-
5 three, shall be one-half of the employee's average weekly wage, but in
6 no case shall such benefit exceed ninety-five dollars nor be less than
7 twenty dollars; except that if the employee's average weekly wage is
8 less than twenty dollars, the benefit shall be such average weekly wage.

9 The weekly benefit which the disabled employee is entitled to receive
10 for disability commencing on or after July first, nineteen hundred
11 seventy and prior to July first, nineteen hundred seventy-four shall be
12 one-half of the employee's average weekly wage, but in no case shall
13 such benefit exceed seventy-five dollars nor be less than twenty
14 dollars; except that if the employee's average weekly wage is less than
15 twenty dollars the benefit shall be such average weekly wage.

~~16 For any period of disability less than a full week, the benefits payable shall
17 be calculated by dividing the weekly benefit by the number of the
18 employee's normal work days per week and multiplying the quotient by the
19 number of normal work days in such period of disability.~~

20 Benefits may be payable to employees for disability leave taken intermittently or for
21 less than a full work week in increments of one full day or one-fifth of
22 the weekly benefit.

The weekly benefit for a disabled employee who is
23 concurrently eligible for benefits in the employment of more than one
24 covered employer shall, within the maximum and minimum herein provided,
25 be one-half of the total of the employee's average weekly wages received
26 from all such covered employers, and shall be allocated in the propor-
27 tion of ~~their~~ the employee's respective average weekly wage payments.

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

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

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

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

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

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

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

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

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

53 A covered employer, unless provided with a waiver pursuant to section
54 204(2)(c), shall, with ~~[his or her]~~ such employer's own contributions
55 and the contributions of ~~[his]~~ such employer's employees, provide disa-
56 bility 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:

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

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

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

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

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

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

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

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

The chair or designee, shall have full power and authority to determine all issues in relation to every such claim for disability benefits required or provided under this article, and shall file its decision in the office of the ~~[chairman]~~ chair. Upon such filing, the ~~[chairman]~~ chair shall send to the parties a copy of the decision. Either party may present evidence and be represented by counsel at any hearing on such claim. The decision of the board shall be final as to all questions of fact and, except as provided in section twenty-three of this chapter, as to all questions of law. Every decision shall be complied with in accordance with its terms within ten days thereafter except as permitted by law upon the filing of a request for review, and any payments due under such decision shall draw simple interest from thirty days after the making thereof at the rate provided in section five thousand four of the civil practice law and rules. The chair shall adopt rules and regulations to carry out the provisions of this article including but not limited to resolution of contested claims and requests for review thereof, and payment of costs for resolution of disputed claims by carriers. Any designated process shall afford the parties the opportunity to present evidence and to be represented by counsel in any such proceeding. The chair shall have the authority to provide for alternative dispute resolution procedures for claims arising under disability and family leave, including but not limited to referral and submission of disputed claims to a neutral arbitrator under the auspices of an alternative 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.