# STATE OF NEW YORK

5087

2025-2026 Regular Sessions

# IN ASSEMBLY

February 12, 2025

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

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

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

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

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

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

"Participant in World Trade Center rescue, recovery, or cleanup operations" means any (a) employee**, including members of the organized militia as provided in subdivision one-a of section six of the military law,** who within the course of employment, or (b) volunteer upon presentation

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

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to the board of evidence satisfactory to the board that [~~he or she~~] **they**:

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

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

§ 4. This act shall take effect immediately.