

STATE OF NEW YORK

8189

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

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

AN ACT to amend the workers' compensation law, in relation to establishing statutory guidelines for return to work by temporarily partially disabled workers

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

1 Section 1. Subdivision 5 of section 15 of the workers' compensation
2 law, as amended by chapter 161 of the laws of 1966, is amended to read
3 as follows:

4 5. Temporary partial disability. In case of temporary partial disabili-
5 ty resulting in decrease of earning capacity, the compensation shall be
6 two-thirds of the difference between the injured employee's average
7 weekly wages before the accident and [~~his~~] such injured employee's wage
8 earning capacity after the accident in the same or other employment.
9 Compensation under this subdivision shall be payable during the contin-
10 uance of such temporary partial disability, without the necessity for
11 the injured employee to demonstrate ongoing attachment to the labor
12 market, unless the board finds that the injured employee's separation
13 from employment is wholly unrelated to their compensable injury.

14 § 2. This act shall take effect immediately.

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

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