

STATE OF NEW YORK

172--A

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. RAMOS, ADDABBO, CLEARE, COMRIE, COONEY, FERNANDEZ, GONZALEZ, HARCKHAM, JACKSON, PARKER, RIVERA, C. RYAN, SALAZAR, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- 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 Assembly, do enact as follows:

Section 1. Section 200 of the workers' compensation law, as amended by section 1 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 200. Short title. This article shall be known and may be cited as the "disability [~~benefits law~~] and [~~the~~] paid family leave benefits law."

§ 2. Subdivisions 14, 15 and 22 of section 201 of the workers' compensation law, subdivision 14 as amended and subdivisions 15 and 22 as added by section 2 of part SS of chapter 54 of the laws of 2016, are amended to read as follows:

14. "A day of disability" means any day on which the employee was prevented from performing work because of disability[, ~~including any day which the employee uses for family leave,~~] and for which the employee has not received [~~his or her~~] the employee's regular remuneration.

15. "Family leave" shall mean any leave taken by an employee from work: (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or (b) to bond with the employee's child during the first twelve months after the child's

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

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

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

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

23 § 203-a. Retaliatory action prohibited for [~~family~~] leave. 1. The
24 provisions of section one hundred twenty of this chapter and section two
25 hundred forty-one of this article shall be applicable to family and
26 disability leave.

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

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

33 § 203-b. Reinstatement following [~~family~~] leave. Any eligible employee
34 of a covered employer who takes leave under this article shall be enti-
35 tled, on return from such leave, to be restored by the employer to the
36 position of employment held by the employee when the leave commenced, or
37 to be restored to a comparable position with comparable employment bene-
38 fits, pay and other terms and conditions of employment. The taking of
39 family or disability leave shall not result in the loss of any employ-
40 ment benefit accrued prior to the date on which the leave commenced.
41 Nothing in this section shall be construed to entitle any restored
42 employee to the accrual of any seniority or employment benefits during
43 any period of leave, or any right, benefit or position to which the
44 employee would have been entitled had the employee not taken the leave.

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

48 § 203-c. Health insurance during [~~family~~] leave. In accordance with
49 the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any
50 period of family or disability leave the employer shall maintain any
51 existing health benefits of the employee in force for the duration of
52 such leave as if the employee had continued to work from the date [~~he or~~
53 ~~she~~] the employee commenced family or disability leave until the date
54 [~~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 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 exceed ten weeks during any fifty-two week calendar period and shall be sixty percent of the employee's average weekly wage but shall not exceed sixty percent of the state average weekly wage, and (iv) on or after January first of each succeeding year, shall not exceed twelve weeks during any fifty-two week calendar period and shall be sixty-seven percent of the employee's average weekly wage but shall not exceed sixty-seven percent of the New York state average weekly wage in effect. The superintendent of financial services shall have discretion to delay the increases in the family leave benefit level provided in subparagraphs (ii), (iii), and (iv) of this paragraph by one or more calendar years. In determining whether to delay the increase in the family leave benefit for any year, the superintendent of financial services shall consider: (1) the current cost to employees of the family leave benefit and any expected change in the cost after the benefit increase; (2) the current number of insurers issuing insurance policies with a family leave benefit and any expected change in the number of insurers issuing such policies after the benefit increase; (3) the impact of the benefit increase on employers' business and the overall stability of the program to the extent that information is readily available; (4) the impact of the benefit increase on the financial stability of the disability and family leave insurance market and carriers; and (5) any additional factors that the superintendent of financial services deems relevant. If the superintendent of financial services delays the increase in the family leave benefit level for one or more calendar years, the family leave benefit level that shall take effect immediately following the delay shall be the same benefit level that would have taken effect but for the delay. The weekly benefits for family leave that occurs on or after January first, two thousand eighteen shall not be less than one hundred dollars per week except that if the employee's wages at the time

1 of family leave are less than one hundred dollars per week, the employee
2 shall receive ~~[his or her]~~ the employee's full wages. Benefits may be
3 payable to employees for paid family leave taken intermittently or for
4 less than a full work week in increments of one full day or one fifth of
5 the weekly benefit.

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

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

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

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

51 2. If an employee who is eligible for disability benefits under
52 section two hundred three or two hundred seven of this article is disa-
53 bled and has claimed or subsequently claims workers' compensation bene-
54 fits under this chapter or benefits under the volunteer firefighters'
55 benefit law or the volunteer ambulance workers' benefit law, and such
56 claim is controverted on the ground that the employee's disability was

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

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

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

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

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

§ 9. 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 section 204(2)(c), 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:

§ 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

1 under section two hundred four of this article. No limitation of time
2 provided in this section shall run as against any disabled employee who
3 is mentally incompetent, or physically incapable of providing such
4 notice as a result of a serious medical condition, or a minor so long as
5 such person has no guardian of the person and/or property.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 of subdivision two of section two hundred four of the workers' compen-
2 sation law for the prior calendar year, in a format determined by the
3 superintendent.

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

5 § 2605. Penalty for violating workers' compensation law. The super-
6 intendent may impose a penalty not to exceed twenty-five hundred dollars
7 per violation upon any insurer required to be licensed under the
8 provisions of this chapter, if, after notice to and a hearing of such
9 insurer, ~~he~~ the superintendent finds it has unreasonably failed to
10 comply with the workers' compensation law.

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