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Introduced by Sens. RAMOS, ADDABBO, BYNOE, CLEARE, COMRIE, COONEY, FERNANDEZ, GONZALEZ, HARCKHAM, HINCHEY, JACKSON, MAYER, PARKER, RIVERA, C. RYAN, SALAZAR, SCARCELLA-SPANTON, 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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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.

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

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

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

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

32 § 203-a. Retaliatory action prohibited for [~~family~~] leave. 1. The
33 provisions of section one hundred twenty of this chapter and section two
34 hundred forty-one of this article shall be applicable to family and
35 disability leave.

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

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

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

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

1 § 203-c. Health insurance during [~~family~~] leave. In accordance with
2 the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any
3 period of family or disability leave the employer shall maintain any
4 existing health benefits of the employee in force for the duration of
5 such leave as if the employee had continued to work from the date [~~he-or~~
6 ~~she~~] the employee commenced family or disability leave until the date
7 [~~he-or-she~~] the employee returns to employment.

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

10 § 203-c. Health insurance during [~~family~~] leave. In accordance with the
11 Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any period
12 of family or disability leave the employer shall maintain any existing
13 health benefits of the employee in force for the duration of such leave
14 as if the employee had continued to work from the date such employee
15 commenced family or disability leave until the date such employee
16 returns to employment. Notwithstanding the foregoing, construction
17 employees shall maintain any existing union health plan or fund benefits
18 in force for the duration of family or disability leave as if the
19 construction employee had continued to work from the date they commenced
20 family or disability leave until the date the construction employee
21 returns to employment. Nothing herein prevents parties to a collective
22 bargaining agreement for construction employees from providing addi-
23 tional terms including, but not limited to, payment of health contrib-
24 utions for such employees on leave time, whether leave time is consid-
25 ered hours worked for purposes of eligibility in the health plan or
26 fund, or other terms that do not conflict with this section.

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

30 § 204. Disability and family leave during employment. 1. Disability
31 benefits shall be payable to an eligible employee for disabilities,
32 beginning with the eighth day of disability and thereafter during the
33 continuance of disability, subject to the limitations as to maximum and
34 minimum amounts and duration and other conditions and limitations in
35 this section and in sections two hundred five and two hundred six of
36 this article. Family leave benefits shall be payable to an eligible
37 employee for the first full day when family leave is required and there-
38 after during the continuance of the need for family leave, subject to
39 the limitations as to maximum and minimum amounts and duration and other
40 conditions and limitations in this section and in sections two hundred
41 five and two hundred six of this article. Successive periods of disabil-
42 ity or family leave caused by the same or related injury or sickness or
43 qualifying event shall be deemed a single period of disability or family
44 leave only if separated by less than three months.

45 2. (a) The weekly benefit for family leave that occurs (i) on or after
46 January first, two thousand eighteen shall not exceed eight weeks during
47 any fifty-two week calendar period and shall be fifty percent of the
48 employee's average weekly wage but shall not exceed fifty percent of the
49 state average weekly wage, (ii) on or after January first, two thousand
50 nineteen shall not exceed ten weeks during any fifty-two week calendar
51 period and shall be fifty-five percent of the employee's average weekly
52 wage but shall not exceed fifty-five percent of the state average weekly
53 wage, (iii) on or after January first, two thousand twenty shall not
54 exceed ten weeks during any fifty-two week calendar period and shall be
55 sixty percent of the employee's average weekly wage but shall not exceed
56 sixty percent of the state average weekly wage, and (iv) on or after

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

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

1 ers' compensation board in consultation with the superintendent of
2 financial services shall consider factors including but not limited to
3 utilization of the current benefit, the expected utilization of any
4 increase, the need for a benefit increase, the current contribution cost
5 to employees and employers and the expected cost after any such benefit
6 increase; the current number of insurers issuing insurance policies
7 with a disability benefit and any expected change in the number of
8 insurers issuing such policies after the benefit increase; and any
9 additional factors that the chair of the workers' compensation board and
10 the superintendent of financial services deems relevant. The weekly
11 benefit which the disabled employee is entitled to receive for disabili-
12 ty leave that occurs on or after January first, two thousand twenty-
13 eight shall not be less than one hundred dollars per week except that if
14 the employee's wages at the time of disability leave are less than one
15 hundred dollars per week, the employee shall receive the employee's full
16 wages. The weekly benefit which the disabled employee is entitled to
17 receive for disability commencing on or after May first, nineteen
18 hundred eighty-nine and prior to January first, two thousand twenty-
19 eight shall be one-half of the employee's weekly wage, but in no case
20 shall such benefit exceed one hundred seventy dollars; except that if
21 the employee's average weekly wage is less than twenty dollars, the
22 benefit shall be such average weekly wage. The weekly benefit which the
23 disabled employee is entitled to receive for disability commencing on or
24 after July first, nineteen hundred eighty-four shall be one-half of the
25 employee's weekly wage, but in no case shall such benefit exceed one
26 hundred forty-five dollars; except that if the employee's average weekly
27 wage is less than twenty dollars, the benefit shall be such average
28 weekly wage. The weekly benefit which the disabled employee is entitled
29 to receive for disability commencing on or after July first, nineteen
30 hundred eighty-three and prior to July first, nineteen hundred eighty-
31 four shall be one-half of the employee's average weekly wage, but in no
32 case shall such benefit exceed one hundred thirty-five dollars nor be
33 less than twenty dollars; except that if the employee's average weekly
34 wage is less than twenty dollars the benefit shall be such average week-
35 ly wage. The weekly benefit which the disabled employee is entitled to
36 receive for disability commencing on or after July first, nineteen
37 hundred seventy-four, and prior to July first, nineteen hundred eighty-
38 three, shall be one-half of the employee's average weekly wage, but in
39 no case shall such benefit exceed ninety-five dollars nor be less than
40 twenty dollars; except that if the employee's average weekly wage is
41 less than twenty dollars, the benefit shall be such average weekly wage.
42 The weekly benefit which the disabled employee is entitled to receive
43 for disability commencing on or after July first, nineteen hundred
44 seventy and prior to July first, nineteen hundred seventy-four shall be
45 one-half of the employee's average weekly wage, but in no case shall
46 such benefit exceed seventy-five dollars nor be less than twenty
47 dollars; except that if the employee's average weekly wage is less than
48 twenty dollars the benefit shall be such average weekly wage. [~~For any~~
49 ~~period of disability less than a full week, the benefits payable shall~~
50 ~~be calculated by dividing the weekly benefit by the number of the~~
51 ~~employee's normal work days per week and multiplying the quotient by the~~
52 ~~number of normal work days in such period of disability.] Benefits may
53 be payable to employees for disability leave taken intermittently or for
54 less than a full work week in increments of one full day or one-fifth of
55 the weekly benefit. The weekly benefit for a disabled employee who is
56 concurrently eligible for benefits in the employment of more than one~~

1 covered employer shall, within the maximum and minimum herein provided,
2 be one-half of the total of the employee's average weekly wages received
3 from all such covered employers, and shall be allocated in the propor-
4 tion of [~~their~~] the employee's respective average weekly wage payments.

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

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

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

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

53 (a) Disability benefits. (i) The contribution of each such employee to
54 the cost of disability benefits provided by this article shall be one-
55 half of one per centum of the employee's wages paid to [~~him or her~~] the

1 employee on and after July first, nineteen hundred fifty, but not in
2 excess of sixty cents per week.

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

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

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

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

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

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

44 1. As promptly as practicable after April first, in each year, the
45 [~~chairman~~] chair shall ascertain the condition of the fund, and if as of
46 any such date the net assets of the fund shall be one million dollars or
47 more below the sum of twelve million dollars, the [~~chairman~~] chair shall
48 assess and collect an amount sufficient to restore the fund to an amount
49 equal to twelve million dollars.[-] Such assessment shall be included in
50 the assessment rate established pursuant to subdivision two of section
51 one hundred fifty-one of this chapter. Such assessments shall be depos-
52 ited with the commissioner of taxation and finance and transferred to
53 the benefit of such fund upon payment of debt service, if any, pursuant
54 to section one hundred fifty-one of this chapter.

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

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

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

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

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

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

52 § 221. Determination of contested claims for disability and family
53 leave benefits. In accordance with regulations adopted by the chair,
54 within twenty-six weeks of written notice of rejection of claim, the
55 employee may file with the chair a notice that [~~his or her~~] the employ-
56 ee's claim for disability or family leave benefits has not been paid,

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

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

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

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

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

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

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

17 (B) A self-funded employer shall submit reports to the superintendent
18 for the purpose of determining forty percent of the average of the
19 combination of all employee and employer contributions to disability
20 benefits provided pursuant to paragraph (b) of subdivision two of
21 section two hundred four of the workers' compensation law. A self-fund-
22 ed employer shall submit a report to the superintendent by July first,
23 two thousand twenty-seven that sets forth employee and employer contrib-
24 utions to disability benefits provided pursuant to paragraph (b) of
25 subdivision two of section two hundred four of the workers' compensation
26 law for the year ending two thousand twenty-six, in a format determined
27 by the superintendent. Beginning April first, two thousand twenty-
28 eight, and annually thereafter, a self-funded employer shall submit a
29 report to the superintendent that sets forth employee and employer
30 contributions to disability benefits provided pursuant to paragraph (b)
31 of subdivision two of section two hundred four of the workers' compen-
32 sation law for the prior calendar year, in a format determined by the
33 superintendent.

34 § 17. Section 2605 of the insurance law is amended to read as follows:
35 § 2605. Penalty for violating workers' compensation law. The super-
36 intendent may impose a penalty not to exceed twenty-five hundred dollars
37 per violation upon any insurer required to be licensed under the
38 provisions of this chapter, if, after notice to and a hearing of such
39 insurer, ~~he~~ the superintendent finds it has unreasonably failed to
40 comply with the workers' compensation law.

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