STATE OF NEW YORK

305

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RHOADS -- read twice and ordered printed, and when printed to be committed 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:

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

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

§ 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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