

STATE OF NEW YORK

3948

2025-2026 Regular Sessions

IN SENATE

January 30, 2025

Introduced by Sens. RAMOS, JACKSON -- 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 allowing
certain claimants to be reclassified to permanent total disability or
total industrial disability due to extreme hardship

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

1 Section 1. Subdivision 3 of section 35 of the workers' compensation
2 law, as amended by section 2 of subpart A of part NNN of chapter 59 of
3 the laws of 2017, is amended to read as follows:

4 3. Extreme hardship redetermination. In cases where the loss of wage-
5 earning capacity is greater than [~~seventy-five~~] fifty percent, a claim-
6 ant may request[~~, within the year prior to the scheduled exhaustion of~~
7 ~~indemnity benefits under paragraph w of subdivision three of section~~
8 ~~fifteen of this article,~~] that the board reclassify the claimant to
9 permanent total disability or total industrial disability due to factors
10 reflecting extreme hardship. For the purposes of this subdivision,
11 "extreme hardship" shall mean: (a) the injured worker's income from
12 social security disability benefits and disability pension, if applica-
13 ble, would be less than fifty percent of such injured worker's average
14 weekly wage upon termination of permanent partial disability benefits;
15 (b) the injured worker will be unable to meet expenses for themselves and
16 any dependents upon termination of permanent partial disability bene-
17 fits; (c) additional medical, functional, or vocational factors arising
18 subsequent to the classification of permanent partial disability have
19 further eroded the injured worker's wage earning capacity; or (d) the
20 injured worker's income would be below the federal poverty guidelines
21 upon termination of permanent partial disability benefits.

22 § 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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