

STATE WORKERS' COMPENSATION OVERVIEW – NEW YORK

I s s u e	R e g u l a t i o n	C o m m e n t s
Notice to Employer	Within 30 days	The notice must be in writing and must contain: 1) the employee's name and address; 2) the time, place, nature and cause of the incident and 3) must be signed by the employee or the employee's representative in case of death. Lack of notice is excusable if there is sufficient reason to show that giving notice was unreasonable, when the employer had knowledge of the incident (through an agent or supervisor) or when the employer is not prejudiced by the lack of notice.
Claim Filing Requirements	Within two (2) years	The two-year period is measured: 1) from the date of the incident; 2) from the date when the employee dies because of a work-related incident; or 3) in the case of occupational disease, from the date when the employee discovers the onset of a disability is due to the nature of his or her employment.
Employer's Report of Accident	Within 10 days of the accident	Employers must file their injury reports when a worker loses more than one workday or shift due to the injury or when the worker requires more than two first aid treatments.
Indemnification Waiting Period	Seven (7) days	The waiting period does not apply to an employer's responsibility to provide medical treatment and care. Other benefits are paid retroactively if the disability exceeds more than 14 days.
State Average Weekly Wage (SAWW)	\$1,212.98 per week	The SAWW is reported by the New York Department of Labor by March 31 of each year.
Temp. Total Disability (TTD) Max.	\$808.65 per week.	66 and two-thirds percent of the SAWW. An employee's actual benefits depend on his or her average weekly wage (AWW).
Temp. Total Disability Min.	\$150 per week	If the employee earns less than \$150 per week then the minimum TTD is the employee's full weekly wage.
Death Benefits	66 and two-thirds percent of AWW	Benefit rate depends on number of dependent survivors, their age and on whether the dependent survivors have a qualifying disability. In most cases, widows are also entitled to a two-year lump sum after remarriage. These benefits are available to domestic partners.
Funeral Expenses	\$5,000 - \$6,000	Up to \$6,000 in metropolitan New York counties and \$5,000 in all other counties.
Permanent Partial Disability (PPD)	Same as TTD rates	Payable as indicated on the compensation tables.
Coverage of Minors	Yes	All awards to minors must be paid to or for the benefit of the minor. The Board may appoint a guardian for minor claimants and, if minor was employed illegally, the award may double.
Coverage of Occupational Disease	Yes	The claim must be filed within two years after disability, death or after the claimant knew or should have known that the disease is work related. The compensation is the same as for injuries.

Occupational Hearing Loss	Yes	May extend beyond typical two-year filing limit if filing occurs within 90 days of the date when claimant learns the hearing loss is job related. It requires 90-day minimum exposure and three month separation from exposure.
Max/Min TTD/PPD Rates	Set annually	New rates in effect on July 1 of every year.
State OSHA Program	Yes	The state OSHA program applies to public sector only.

ADDITIONAL INFORMATION

Resources:

<http://www.wcb.ny.gov/>

http://www.labor.ny.gov/stats/avg_wkly_wage.shtm

www.labor.state.ny.us/workerprotection/safetyhealth/DOSH_PESH.shtm

Mailing Address:

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