



NEW YORK STATE SENATOR

Velmanette Montgomery

New York State Workers' Compensation Board proposes regulatory changes to Workers' Compensation benefits. Public comments due no later than October 16th, 2017

SENATOR VELMANETTE MONTGOMERY September 27, 2017

| ISSUE: **WORKERS' COMPENSATION, LABOR, WORKERS' RIGHTS, WORKERS' COMPENSATION REFORM, NYS CONSTITUTIONAL PROTECTIONS**



Article I, Section 18 of the New York State Constitution guarantees workers compensation protections to injured employees.

[Workers' compensation]

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*§18. Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a state or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or herself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum; provided that all moneys paid by an employer to his or her employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer. (Formerly §19. Renumbered by Constitutional Convention of 1938 and approved by vote of the people November 8, 1938; amended by vote of the people November 6, 2001.)*

The New York State Workers' Compensation Board is in the process of reviewing and revising the Permanency Impairment Guidelines. The proposed regulatory changes were released on Friday, September 1<sup>st</sup> and the public has 45 days to submit comments.

I urge all my constituents to learn more about the proposed regulations and submit your comments and suggestions for reform no later than October 16, 2017. Please submit comments to: <https://www.surveymonkey.com/r/ImpairGuideComments>

To read the proposed regulations, visit:

[http://www.wcb.ny.gov/content/main/wclaws/Proposed/Part300\\_2\\_300\\_39\\_325\\_1-6.jsp](http://www.wcb.ny.gov/content/main/wclaws/Proposed/Part300_2_300_39_325_1-6.jsp)

To learn more about the issue, visit:

<http://nysaflcio.org/action-needed-to-stop-proposed-workers-comp-attacks/>

<http://www.nydailynews.com/news/politics/n-y-unions-fight-proposed-workers-compensation-rules-article-1.3485562>

[https://www.workerscompensation.com/news\\_read.php?id=27435](https://www.workerscompensation.com/news_read.php?id=27435)

To read the Senate Democratic Conference's Counsel staff analysis of the proposed regulations, download the attached PDF.