

● WORKERS' COMPENSATION LAW

STATUTORY CITATION: N.Y. Workers' Compensation Law §§ 1 – 401

GENERAL SUMMARY: The Workers' Compensation Law requires most New York employers with one or more workers engaged in certain specified hazardous occupations to provide compensation for the disability or death of an employee from an injury or occupational disease connected with the job, generally without regard to fault as a cause. Among the principal benefits for which the employer is responsible in such cases are payment of the cost of the worker's medical treatment and related care, and cash payments to the worker or the worker's surviving dependents to offset the loss of wages.

Employers subject to the law must secure the payment of compensation by either paying premiums to the state insurance fund, purchasing a commercial workers' compensation insurance policy, or furnishing the state with proof of financial ability to pay compensation directly. An employer who fails to obtain coverage under one of these three options is criminally liable.

PROVISIONS APPLICABLE TO AGRICULTURE: A farm operator who, in the preceding calendar year, paid cash remuneration of \$1,200 or more for farm labor must provide workers' compensation coverage to all farm laborers employed during any part of the 12 consecutive months beginning April 1 of the current calendar year.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *New York State Workers' Compensation Board, Schenectady, New York 12305 (toll-free 866-298-7830).* The Board is solely responsible for administration and enforcement of the workers' compensation program. In general, notice of a worker's injury or death on the job must be given to the employer within 30 days of its occurrence, and the employer is obligated to report an injury within 10 days after an accident. The employer must promptly provide such medical, surgical and related treatment as the injury or recovery process may require, and is liable for those expenses. Under most circumstances, a claim for compensation is not valid unless it is filed within 2 years of the worker's injury or death (or within 2 years of disablement, in the case of an occupational disease). Any dispute between the worker and an insurance carrier or employer regarding a compensation claim, continuation of benefits, or payment of medical costs may be appealed to the Board.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*