



State Worker's Compensation Overview New York

Presented by **Heffernan Insurance Brokers**

Issue	Regulation	Comments
Employee's Notice to Employer	Within 30 days	The notice must be in writing. Lack of notice is excusable if there is sufficient reason to show that giving notice was unreasonable, if the employer had knowledge of the incident (through an agent or supervisor) or if the employer is not prejudiced by the lack of notice.
Employee's Claim Filing Requirements	Within two years	The two-year period is measured from 1) the date of the incident; 2) the date when the employee dies because of a work-related incident; or 3) the date when the employee discovers the onset of a disability due to an occupational disease caused by the nature of his or her employment.
Employer's Report of Accident	Within 10 days	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.
Waiting Period	Seven days	Benefits for the first seven days are paid retroactively if the disability exceeds 14 days. The waiting period does not apply to an employer's responsibility to provide medical treatment and care.
Temporary Total Disability (TTD) Benefits	<u>July 1, 2023 to June 30, 2024</u> Max: \$1,145.43 per week <u>July 1, 2022 to June 30, 2023</u> Max: \$1,125.46 per week	An employee's benefit rate is two-thirds of the average weekly wage (AWW), subject to the limits in effect on the date of injury.
Permanent Partial Disability (PPD) Benefits		PPD benefits depend on the body part injured and the nature of the permanent disability.
Death Benefits		Death benefit rates depend on the number of dependent survivors, their ages and on whether they 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. Employers must also pay funeral expenses of up to \$12,500 (depending on the county) for a deceased employee.
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	Compensation is the same as for injuries.

ADDITIONAL INFORMATION

[New York Workers' Compensation Board](#)

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