



Karyn Burns

VP, Government Relations & Communications

Workers' Compensation Rule Changes Calling for Controversy

As you recall, the 2017 New York State budget included some significant reform for the State's workers' compensation system. The current system, widely regarded as antiquated, costly, and broken, received some much-needed attention by way of policy change last budget. Specifically, changes were mandated that required the Workers' Compensation Board to draw up new guidelines that would determine the level of impairment that people suffer when they get injured while at work. For example, the new guidelines would determine the severity of an injury, ranging from a twisted knee or carpal tunnel syndrome to injuries such as the loss of a limb or an eye while on the job.

Business groups like MACNY advocated for this change, and with good reason: because while the advancement of science and the ability to recover from certain injuries has vastly improved in recent years, the guidelines and awards given for such injuries has not. For example, an injury such as a twisted knee decades ago would take much longer to recover than it would today thanks to the significant advancement in medical science, however, the workers' compensation guidelines provide awards for such injuries that reflect the injury and recovery time from decades before, not in today's world. Therefore, business groups maintained that the guidelines were in need of updating to be better aligned with the times, and Albany agreed.

As an example, under the current system, an employee who suffers from a torn Achilles tendon would be awarded almost a year's pay.

With the policy proposals mandated as part of this year's budget, the Workers' Compensation Board has put forward the new guidelines and are now in the public comment period. Behind the scenes, unions and lawyers are squaring off over the changes, and some question whether a court challenge is a possibility. Stay tuned.

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