



LEGISLATIVE
OPPOSITION
MEMORANDUM

S.6135(Veella)/A.9736(John) An act to amend the workers' compensation law, in relation to enacting the workers' compensation and benefits improvement act.

On behalf of the Buffalo Niagara Partnership, one of the largest employer organizations in Upstate New York, we **strongly urge you to oppose S.6135 / A.9736**. This measure would increase workers' compensation benefits to 2/3 of the state's average weekly wage without enacting any meaningful reform to lower workers' comp costs. The sponsors' memorandum states that this bill will result in higher comp premiums for employers, yet brushes this off by stating the measure "will not dramatically increasing the cost of doing business in the state." This ignores the fact that New York is already a "high cost" state when it comes to retaining and attracting employers and such a measure just further exacerbate the problem.

The Partnership is advocating for structural reform within the workers' comp system. We support programs that reduce costs to the employers and expedite controverted cases allowing workers to seek appropriate care earlier and return to work sooner. While it is appropriate for the Legislature to address the benefit level of injured workers, doing something for employers in New York who pay some of the highest comp rates in the nation must be part of the equation. This legislation fails in that regard.

Instead, the Partnership supports S.5320(Libous)/A.8862(Schimminger) that would:

- Limit, to 10 years, the duration of benefits given to injured or sick workers in cases in which benefits are not prescribed by statutory schedules. The goal is to give workers both ample benefits and sufficient time to seek retraining to return to work.
- Provide for Social Security and pension offsets—that is, reductions in workers' compensation benefits applied when workers receive Social Security and/or pension benefits.
- Give injured workers only half of remaining scheduled benefits if they return to work before scheduled benefits expire.
- Implement meaningful objective medical guidelines to determine the degree of disability and the ability of workers receiving benefits to meet occupational demands.

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