

Labor Market Attachment During COVID-19 Pandemic

During the COVID-19 Outbreak, does a claimant still have the obligation to show attachment to the labor market?

ANSWER: Due to the COVID-19 outbreak, on March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a disaster emergency in the State of New York. Subsequent [Executive Orders](#) have demonstrated the need to limit close physical contact to keep people safe and slow the spread of the virus. This has resulted in a disruption of normal economic activity.

A claimant may be unable to conduct a successful job search or to participate in job placement or vocational rehabilitation due to the current restrictions in place. Given these conditions, during this emergency period, the Board is not requiring injured workers to demonstrate that they are attached to the labor market in order to maintain partial disability payments. The Board will review this requirement upon the Governor's declaration that the period of emergency is over.

The issue of labor market is addressed at the time of permanency classification, if the issue has been raised. Therefore, during this emergency period, in cases ready for classification and in which the carrier has raised the issue of labor market classification, the Workers' Compensation Law Judge will adjourn the matter so that that the issue can be addressed at a time when the claimant is able to demonstrate labor market attachment.

The New York State Workers' Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits and by promoting compliance with the law. To learn more about the Workers' Compensation Board, visit wcb.ny.gov.