

Regulatory Impact Statement for the amendment of Subpart 441 of Title 12 NYCRR

1. Statutory Authority: WCL §117(1) and 142 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.
2. Legislative Objectives: The emergency adoption expands the definition of "serious health condition" to allow employees to take these benefits when the employee's family member has contracted COVID-19.
3. Needs and benefits: The emergency adoption clarifies that when the employee's family member has contracted COVID-19 and needs to be cared for and provides needed financial security.
4. Costs: The emergency adoption will reduce the frictional costs associated to having to litigate this position.
5. Local government mandates: The proposed amendments do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district – they simply require employers not to abridge the right of eligible employees to take PFL.
6. Paperwork: The emergency adoption requires eligible employees to file applications if they want to take leave for this reason.
7. Duplication: The emergency adoption does not duplicate other regulatory initiatives.
8. Alternatives: An alternative would be to not file an emergency adoption addressing disability and PFL benefits. However, this poses a risk that some insurance carriers will incorrectly deny these claims and delay benefits.
9. Federal standards. There are no applicable Federal Standards.
10. Compliance schedule: The emergency adoption takes effect immediately upon filing.