



BETTER FOR WORKERS

**WORKERS' COMPENSATION
DISABILITY BENEFITS
PAID FAMILY LEAVE**



Workers' Compensation Board

Understanding employee benefits

The New York State Workers' Compensation Board oversees three types of insurance: workers' compensation, disability benefits, and Paid Family Leave. All three provide partial wage replacement when an employee is unable to work, but there are important differences, including when an employee can use them. Read on for a brief overview of each benefit.

WORKERS' COMPENSATION

Workers' compensation insurance provides lost wage benefits and medical treatment should an employee become injured or ill because of their work. Generally, all employees are covered for workers' compensation.

Lost wage benefits

In most cases, workers' compensation lost wage benefits are two-thirds of an employee's average weekly wage (AWW) multiplied by their degree of disability, which is a percentage of how much they are disabled.

$$\frac{2}{3} \text{ AWW} \times \% \text{ of disability} = \text{weekly benefit}$$

Note: Workers' compensation lost wage benefit payments are tax free.

For workers' compensation, the AWW is based on the employee's gross earnings, including overtime and other compensation, for the

52 weeks before the date of injury or illness. Workers' compensation lost wage benefits are subject to a maximum weekly amount, based on the year the employee was injured (see table). The minimum weekly lost wage benefit is \$150.

WEEKLY LOST WAGE BENEFITS	
Date of Injury/Illness	Maximum Amount
July 1, 2022 – June 30, 2023	\$1,125.46
July 1, 2021 – June 30, 2022	\$1,063.05
July 1, 2020 – June 30, 2021	\$966.78
July 1, 2019 – June 30, 2020	\$934.11
July 1, 2018 – June 30, 2019	\$904.74
For earlier years, visit wcb.ny.gov	

The maximum weekly benefit is based on the New York State Average Weekly Wage (NYSAWW), determined by the NYS Department of Labor on July 1 of each year.

There are some restrictions on lost wage benefits depending on how much time an employee misses from work:

- **Seven days or less:** The worker does not receive workers' compensation lost wage benefits.
- **Eight to 14 days:** The worker receives workers' compensation lost wage benefits starting on the eighth missed day.
- **15 days or more:** The employee may receive workers' compensation lost wage benefits from the first day they missed work.

Necessary medical care is provided no matter how short or how long the length of the disability.

WORKERS' COMPENSATION (CONT'D)

Medical treatment benefits

Lifetime medical treatment for the work-related injury or illness is provided by Board-authorized providers at no cost to an employee.

Medical treatment is covered whether or not an employee loses time from work or is receiving a benefit for lost wages. The employer's insurance carrier will pay medical bills for an employee's injury or illness

directly to their health care provider; employees do not pay out of pocket. Employees also may be reimbursed for mileage, public transportation or other necessary expenses incurred when traveling for treatment.

DISABILITY BENEFITS

Disability benefits insurance provides temporary cash benefits to employees who become injured or ill outside of their employment and are unable to work. Generally, most employees who work for private employers are covered for disability benefits after working four weeks for that employer. Public employers

may voluntarily provide coverage to their employees.

Cash benefits

Disability benefits cash benefits are 50% of an employee's AWW, up to a maximum of \$170.00 per week. For disability benefits, the AWW is based on an employee's wages for

the eight weeks of work prior to the last day worked. Benefits are paid for up to 26 weeks of disability during 52 consecutive weeks. There is a seven-day waiting period for benefits; benefits begin on the eighth consecutive day of disability. Disability benefits cash benefits are subject to Social Security taxes.

PAID FAMILY LEAVE

Paid Family Leave insurance provides job-protected, paid time off to:

- **BOND** with a newly born, adopted or fostered child,
- **CARE** for a family member with a serious health condition, or
- **ASSIST** loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service.

Paid Family Leave may also be available for use in situations when an employee or their minor dependent child is under an order of quarantine or isolation due to COVID-19.

Most employees who work for private employers in New York

State are covered for Paid Family Leave, while public employers may voluntarily opt in to provide coverage. Union-represented public employees may be covered if the benefit has been negotiated through collective bargaining. Covered employees must meet certain requirements to take Paid Family Leave: full-time employees must have been employed with their employer for 26 consecutive weeks, while part-time employees must have worked for their employer for 175 days, which do not need to be consecutive.

Time off & wage benefits

Paid Family Leave provides up to 12 weeks of job-protected time off, at

67% of an employee's AWW, up to a maximum of 67% of the NYSAWW. The NYSAWW is determined by the NYS Department of Labor on July 1 of each year.

The AWW is the average of an employee's last eight weeks of work prior to taking Paid Family Leave, including bonuses and commissions. Twelve weeks is the maximum amount of leave that can be taken in a 52-week period. The maximum combined benefit of Paid Family Leave and disability benefits is 26 weeks in a 52-week period.

You can view the current maximum benefit and more details at paidfamilyleave.ny.gov.

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.