BETTER FOR WORKERS | WORKERS' COMPENSATION DISABILITY BENEFITS PAID FAMILY LEAVE

NEW YORK STATE | Workers' Compensation Board

Understanding employee benefits

The New York State Workers' Compensation Board (Board) oversees three types of insurance: workers' compensation, disability benefits, and Paid Family Leave, as well as benefits for volunteer firefighters and ambulance workers. We also oversee the registry of World Trade Center workers and volunteers. Read on for a brief overview of our most commonly accessed benefits.

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.

⅔ AWW x % of disability = weekly benefit

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

For workers' compensation, the NYS AWW, determined by the NYS Department of Labor, is subject to a maximum weekly amount based upon the year the employee was injured and the employee's gross earnings, including overtime and other compensation, for the 52 weeks before the date of injury or illness (see table).

WEEKLY LOST WAGE BENEFITS

Date of Injury/Illness	Maximum Amount
July 1, 2026 – June 30, 2027	$1,281.50
July 1, 2025 – June 30, 2026	$1,222.42
July 1, 2024 – June 30, 2025	$1,171.46
July 1, 2023 – June 30, 2024	$1,145.43
July 1, 2022 – June 30, 2023	$1,125.46
For earlier years, visit **wcb.ny.gov**	

The minimum weekly lost wage benefit also depends on the date of the injury/illness. The minimum weekly benefit is $150 for work-related injuries/illnesses that occurred between 5/1/13 and 12/31/23; $275 for injuries/illnesses that occurred in 2024; and $325 for injuries/illnesses that occurred in 2025. As of July 1, 2026, the minimum benefit is indexed to one-fifth of the NYS AWW. Therefore, the minimum weekly benefit is $384.45 for work-related injuries/illnesses that occur between July 1, 2026, and June 30, 2027.

There are some restrictions on lost wage benefits depending upon 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 covered for all work-related injuries or illnesses, regardless of any time lost from work.

WORKERS' COMPENSATION (cont'd)

Medical treatment benefits

Lifetime medical treatment for sthe work-related injury or illness is provided by Board-authorized health care providers at no cost to the 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 payments are 50% of an employee's AWW, up to a maximum of $170.00 per week. 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 a maximum of 26 weeks of disability during any 52-consecutive-week period (*WCL §205*). There is a seven-day waiting period with payments beginning on the eighth consecutive day of disability. Disability payments are subject to Social Security and Medicare taxes.

PAID FAMILY LEAVE

New York State Paid Family Leave (PFL) 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.

Most employees who work for private employers in New York State are covered for PFL, 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 PFL: 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

PFL 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 NYS AWW. The NYS AWW is determined by the NYS Department of Labor each year.

The NYS AWW is the average of an employee's last eight weeks of work prior to taking PFL, 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 PFL 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 Board, visit **wcb.ny.gov**. Sign up for Board notifications at **wcb.ny.gov/Notify**.