



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 188

December 30, 2022

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 768, entitled:

“AN ACT to amend the workers' compensation law, in relation to defining temporary total disability”

NOT APPROVED

This bill would amend the Workers' Compensation Law to define a temporary total disability as the injured worker's inability to perform his or her pre-injury employment or any modified employment offered by the employer to meet the abilities of the injured worker.

The foundation of New York's worker's compensation law is medical evidence of an injured worker's injury or illness as it relates to the worker's ability to work. This bill substitutes a legal standard and a total disability rate of compensation in the place of medical evidence, regardless of the extent of a worker's disabling condition or ability to work. This bill could result in a significant reduction in New York State's work force and large increases to workers' compensation costs. Indeed, the New York Compensation Insurance Rating Board's public actuary estimates the cost of this bill will be \$360 million annually for insured employers. Private and municipal self-insured employers would have an increase of \$140 million annually (based on their 30% market share), for a total system cost of \$500 million annually.

Given the significant cost of this proposal, including to New York State as an employer, it would be more appropriate to consider during the State budget process next year.

Therefore, I am constrained to veto this legislation.

This bill is disapproved.

Ruth Hochul