

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 22

Introduced by Council Members Miller, Brannan, Kallos, Lander, Ayala, Louis and Vallone.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting of workers' compensation data

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 12-127 of chapter 1 of title 12 of the administrative code of the city of New York, as added by local law number 41 for the year 2004, is amended to read as follows:

c. (1) Definitions. For purposes of this subdivision, the term "occupational disease" has the same meaning as such term is defined in section 2 of the workers' compensation law.

(2) Each agency shall keep a record of, *and shall, as soon as practicable, transmit to the law department*, any workers' compensation claim filed by an employee, the subject of which concerns an injury sustained in the course of duty while such employee was employed at such agency. Such record shall include, but not be limited to, the following data:

(i) the name of the agency where such employee worked;

(ii) such employee's title;

(iii) the date such employee or the city filed such claim with the appropriate office of the state of New York, if any;

(iv) the date the city began to make payment for such claim, or the date such claim was established by the appropriate state office and the date the city began to make payment for such claim pursuant to such establishment, if any;

(v) the date such injury occurred *or occupational disease was contracted*;

(vi) the location at which such injury occurred *or occupational disease was contracted*;

(vii) the nature of such injury *or occupational disease*, including, but not limited to, the circumstances [of such injury], the type or diagnosis [of such injury] and a description of how such injury occurred *or such occupational disease was contracted*;

(viii) the length of time such employee is unable to work due to such injury *or occupational disease*, if any; [and]

(ix) *whether the employee was given modified assignment(s) or was transferred because of such injury or occupational disease and whether such employee suffered a loss of income or diminution of fringe benefits as a result of such transfer or modification; and*

(x) a list of any expenses paid as a result of such claim, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties.

[(2) Each agency shall transmit records gathered pursuant to paragraph (1) of subdivision c of this section, as soon as practicable, to the mayor of the city of New York.]

(3) *Each agency shall collect and report to the law department, no later than February 15 of the year following the reporting year, the following information:*

(i) *the number of persons employed by such agency as of December 31 of the reporting year;*

(ii) *the number of persons employed in each job title as of December 31 of the reporting year;*

(iii) the total, average and median number of days of lost time due to workers' compensation injuries within each job title;

(iv) the total amount of wages and workers' compensation paid for disability to injured persons within each job title;

(v) the total amount of medical expenses paid for diagnosis and treatment of injuries and occupational diseases suffered by persons within each job title;

(vi) the number and nature of injuries and occupational diseases suffered by agency employees within each job title;

(vii) the causal factor and nature of the injuries and occupational diseases suffered by agency employees as reported in subparagraph (vi) of this paragraph by category, including, but not limited to, lifting, assault, repetitive stress, infectious pathogen and chemical exposure;

(viii) the average and median number of days between the onset of disability as measured by the first day of lost time and the first date of payment; and

(ix) the total number of workers' compensation claims.

[(3)] (4) The mayor [of the city of New York], *in coordination with the law department*, shall ensure that an annual report is prepared utilizing the [records] *data* received from each city agency pursuant to [paragraph (2)] *paragraphs (2) and (3)* of *this* subdivision [c of this section]. Such report shall be transmitted to *the department of records and information services pursuant to section 1133 of the charter*, the mayor, the comptroller, the public advocate and the speaker of the council [of the city of New York] by the first day of May, covering the previous calendar year. Such report shall include, but not be limited to:

(i) an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency;

(ii) a list by agency of the cause, job title, number and cost of workers' compensation claims;

(iii) a list of the occurrence of specific claims for each agency and for the city as a whole;

[(ii)] (iv) a list of the specific sites where injuries occurred or where occupational diseases were contracted for each agency and for the city as a whole;

[(iv) year-to-year comparisons] (v) a ten-year comparison of [information] data compiled pursuant to this paragraph; and

(vi) all data collected pursuant to paragraphs (2) and (3) of this subdivision.

(5) The law department may take appropriate steps to ensure the collection and reporting of information required pursuant to paragraphs (2) and (3) of this subdivision shall not violate any applicable federal, state or local law relating to privacy or confidentiality including, but not limited to, the confidentiality requirements of section 110-a of the workers' compensation law.

(6) Each agency shall develop and implement an annual accident and illness prevention program designed to reduce injuries and illnesses identified in the report required pursuant to paragraph (4) of this subdivision. A listing and description of these programs shall be included in the annual report required by paragraph (4) of this subdivision and made available at each agency.

(7) No later than 90 days after submission of the report required pursuant to paragraph (4) of this subdivision, the mayor shall submit to the comptroller, the public advocate and the speaker a

report on steps the city will take to develop programs to mitigate injury and illness based on the data collected pursuant to paragraphs (2) and (3) of this subdivision.

§ 2. This local law takes effect immediately; provided, however, that the report required by paragraph (4) of subdivision c of section 12-127 of the administrative code of the city of New York, as added by this local law, shall include data for the year 2021 and shall be submitted no later than May 1, 2022. Provided, further, that the report required by subdivision c of section 12-127 of the administrative code of the city of New York, as added by local law number 41 for the year 2004, shall be submitted for the years 2019 and 2020 prior to submission of the report required pursuant to this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 19, 2019 and returned unsigned by the Mayor on January 21, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 22 of 2020, Council Int. No. 1604-B of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.