



Legislation Text

File #: Int 1604-2019, **Version:** *

Int. No. 1604

By Council Members Miller and Brannan

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 is hereby 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.

[(1)]2. Each agency shall keep a record of 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 assignments 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; and

[(ix)](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)]3. Each agency shall transmit records gathered pursuant to paragraph [(1)]2 of subdivision c of this section, as soon as practicable, to the [mayor] law department of the city of New York.

4. Each agency shall collect and report to the law department, as soon as practicable, the following information:

(i) the number of persons employed;

(ii) the number of persons employed in each job title;

(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 persons within each job title and the number of resulting workers' compensation claims filed;

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

(viii) the average and median number of days between the onset of disability and the first payment of compensation made to injured persons within each job title; and

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

[(3)]5. The [mayor of the city of New York] law department, in coordination with the office of management and budget, shall ensure that an annual report is prepared utilizing the [records] data received from each city agency pursuant to paragraphs [(2)]3 and 4 of 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 and every member of the council [of the city of New York], by the first day of May, covering the previous calendar year. The report due in May shall include the data received from each city agency pursuant to paragraphs 3 and 4 of subdivision c of this section and analysis regarding the previous 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 listing by agency, job title and location of the number, type and cost of workers' compensation claims;

(iii) a listing by agency, job title and location of the number, type and cost of work-related injuries and occupational diseases reported but not filed as a workers' compensation claim;

(iv) a report of each agency's use of modified duty assignments and disability transfers, including an assessment of any disruption to the normal work hours, job duties, or job location of workers' compensation claimants;

~~[(ii)](v)~~ a list of the occurrence of specific claims for each agency and for the city as a whole;

~~[(iii)](vi)~~ 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; and

~~[(iv)](vii)~~ a ten year year-to-year comparison[s] of [information] data compiled pursuant to this paragraph.

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 5 of this subdivision. A listing and description of these programs shall be included in the annual report required by this section and made available at each agency.

7. No later than 90 days after submission of the report required pursuant to paragraph 5 of this subdivision, the mayor shall submit to the comptroller, the public advocate, and the speaker and every member of the council a report on steps the city will take to develop programs to mitigate injury and illness based on the data gathered pursuant to paragraphs 2 and 4 of subdivision c of this section.

§ 2. This local law take effect 120 days after it becomes law.

MWC (2017)/MMB (2018)
LS # 9789/Int. 1622
NEW LS # 923
3/19/19; 11:08 a.m.