

# S.6635 (Ramos)/A.5745 (Reyes)

STAFF CONTACT : Frank Kerbein | Director, Center for Human Resources | 518.455.7180

<b>BILL</b> S.6635 (Ramos)/A.5745 (Reyes)
<b>SUBJECT</b> Relates to claims for mental injury premised upon extraordinary work- related stress incurred at work
<b>DATE</b> April 04, 2024
<b>OPPOSE</b>

The Business Council of New York State, on behalf of its more than 3,200 members, opposes S.6635/A.5745 which would expand the statutory carve out that applies to police officers, firefighters, and emergency medical technician who filed a claim for mental injury premised upon extraordinary work-related stress to include all employees.

In 2017 the legislature, in recognition of the high standard required by the statute for mental stress claims, and the occupational hazards/exposure experienced by first responders during emergencies, removed the restriction that a mental stress claim had to be greater than the stress sustained by a similar worker.

This bill will permit all employees who allege extraordinary work-related stress to file a mental stress claim irrespective of a work-related emergency. The onus to determine what qualifies as “extraordinary,” a standard that is not defined by statute, will be placed on Law Judges. If passed, this bill will result in extensive litigation on the issue of what constitutes “extraordinary” stress, increase administrative expenses (IMEs, witness, and medical testimony) and result in compensability determinations on minor/transient stress events.

The New York Compensation Insurance Rating Board has not calculated the financial impact of this bill. Governor Hochul vetoed this bill last year in recognition of this fact noting that the Board’s Public Actuary stated that cost estimates are highly imprecise, given the scope of compensation this proposal could potentially deliver. The Governor suggested that any such consideration of this bill be done as part of budget negotiations.

We believe that in addition to increasing the cost of litigation, this bill would transfer the cost of treatment and disability for psychological conditions that are now not considered work-related to the workers’ compensation system. Given the fact that close to half of all Americans in surveys complain of stress, the cost could be substantial.

For these reasons, The Business Council, on behalf of its more than 3,200 members, opposes this bill.