

NEW YORK WORKERS' COMPENSATION ALLIANCE

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July 11, 2011

Re: Medical Treatment Guidelines

The Honorable Andrew M. Cuomo
Governor of New York State
Executive Chamber, State Capitol Building
Albany, NY 12224

Honorable Governor Cuomo:

The Legislature recently passed S5825/A8496, which permits livery drivers to accept "street hails" in New York City. However, the legislation does not extend coverage of the Workers' Compensation Law or Executive Law Article §160-aaa through §160-iii to protect the livery drivers when they have a covered injury when operating in a legal fashion.

The Workers' Compensation Alliance, which advocates for the interests of injured workers, is concerned that this expansion of legal livery driver activity is

unaccompanied by adequate protection for drivers in the event of work-related injury or illness.

When the ILDBF legislation became effective on January 1, 2010 it limited the injuries for which livery drivers could collect workers' compensation benefits. The law made the type of injury and the manner in which it was sustained the determining factor for coverage, rather than whether the injury arose out of and in the course of the employment. This standard effectively made livery drivers second-class citizens in the workers' compensation system, as they are the only workers covered by the statute whose benefits are limited to such narrow circumstances.

In particular, the law relegates livery drivers to a status inferior to that of similarly situated workers such as medallion taxi and black car drivers, who are fully covered by the Workers' Compensation Law.

The WCA respectfully submits that in view of the expansion of legally permissible activities for livery drivers, there is now a critical need for legislation extending the same protection to livery drivers that presently exists for yellow cab drivers (who are statutory employees of the medallion holder) and black car drivers (who are covered by the Black Car Operators Insurance Fund). We look forward to working with your office to achieve this goal.

Thank you for your careful consideration of these issues.

Very truly yours,

Robert E. Grey
Chair
Workers' Compensation Alliance

cc:
Mylan Denerstein
Alphonso David