

STATE OF NEW YORK

11619

IN ASSEMBLY

July 29, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cruz) --
read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to requirements for neonatal
intensive care leave

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The labor law is amended by adding a new section 196-c to
2 read as follows:

3 § 196-c. Neonatal intensive care leave. 1. As used in this section,
4 the following terms shall have the following meanings:

5 a. "Child" means an employee's biological, adopted, or foster child, a
6 stepchild, a legal ward, or a child of a person standing in loco paren-
7 tis.

8 b. "Neonatal intensive care unit" means a special care unit that
9 provides medical treatment to premature and critically ill infants.

10 2. a. Every employer shall be required to provide its employees with
11 neonatal intensive care leave as follows:

12 (i) For employers with between sixteen and fifty employees in any
13 calendar year, each employee shall be entitled to use a maximum of ten
14 days of unpaid neonatal intensive care leave while any child of such
15 employee is a patient in a neonatal intensive care unit; and

16 (ii) For employers with fifty-one or more employees in any calendar
17 year, each employee shall be entitled to use a maximum of twenty days of
18 unpaid neonatal intensive care leave while any child of such employee is
19 a patient in a neonatal intensive care unit.

20 b. For purposes of determining the number of employees pursuant to
21 this subdivision, a calendar year shall mean the twelve-month period
22 from January first through December thirty-first. For all other
23 purposes, a calendar year shall either mean the twelve-month period from
24 January first through December thirty-first, or a regular and consec-
25 utive twelve-month period, as determined by an employer.

26 c. Leave may be taken continually or intermittently at the employee's
27 selection. An employer may require that leave be taken in minimum incre-
28 ments of not less than two hours in duration.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 3. Nothing in this section shall be construed to prohibit or prevent
2 an employer from providing an amount of neonatal intensive care leave,
3 paid or unpaid, which is in excess of the requirements set forth in
4 subdivision two of this section, or from adopting a leave policy that
5 provides additional benefits to employees. No employer shall be permit-
6 ted to reduce or revoke any such neonatal intensive care leave based on
7 the number of hours actually worked by an employee during the calendar
8 year if such employer elects pursuant to this subdivision.

9 4. An employee who is entitled to leave under the family and medical
10 leave act, 29 U.S.C. Chapter 28, or article nine of the workers' compen-
11 sation law and takes leave under this section shall be granted, upon
12 completion of and in addition to any leave taken under such act or such
13 article, any leave available under this section. An employee shall be
14 entitled to leave for the maximum number of days specified in subdivi-
15 sion two of this section or the length of time the employee's child was
16 a patient in a neonatal intensive care unit, whichever is less. An
17 employer shall not require that an employee use any paid leave available
18 to the employee for any reason instead of leave the employee is entitled
19 to under this section. An employee who is entitled to take paid or
20 unpaid leave, including family, medical, sick, annual, personal, or
21 similar leave, from employment, under federal, state, or local law, a
22 collective bargaining agreement, or an employment benefits program or
23 plan, may elect to substitute any period of leave for an equivalent
24 period of leave provided under this section.

25 5. Upon the conclusion of leave taken under this section, an employee
26 shall be reinstated to their former position or a substantially equiv-
27 alent one with no loss of benefits held or accrued prior to taking
28 leave. During the period of leave, any health insurance benefits shall
29 be maintained by an employer as if an employee had not taken leave. An
30 employer shall not require an employee who uses unpaid neonatal inten-
31 sive care leave to provide a replacement worker.

32 6. If an employee takes unpaid neonatal intensive care leave pursuant
33 to this section, an employer may require reasonable verification of the
34 employee's child's length of stay in a neonatal intensive care unit. As
35 part of a reasonable verification, an employer shall not request any
36 confidential information protected by the Health Insurance Portability
37 and Accountability Act of 1996 or other law.

38 7. No employer or their agent, or the officer or agent of any corpo-
39 ration, partnership, or limited liability company, or any other person,
40 shall discharge, threaten, penalize, or in any other manner discriminate
41 or retaliate against any employee because such employee has exercised
42 their rights afforded under this section.

43 8. a. Nothing in this section shall be construed to:

44 (i) prohibit a collective bargaining agreement entered into, on or
45 after the effective date of this section from, in lieu of the leave
46 provided for in this section, providing a comparable benefit for the
47 employees covered by such agreement in the form of unpaid or paid days
48 off; such unpaid or paid days off shall be in the form of leave, compen-
49 sation, other employee benefits, or some combination thereof; or

50 (ii) impede, infringe, or diminish the ability of a certified collec-
51 tive bargaining agent to negotiate the terms and conditions of neonatal
52 intensive care leave different from the provisions of this section.

53 b. Provided, however, that in the case of either subparagraph (i) or

54 (ii) of paragraph a of this subdivision, the agreement must specif-
55 ically acknowledge the provisions of this section.

1 9. Nothing in this section shall be construed to prevent a city with a
2 population of one million or more from enacting and enforcing local laws
3 or ordinances which meet or exceed the standard or requirements for
4 minimum hour and use set forth in this section, as determined by the
5 commissioner. Any unpaid neonatal intensive care leave benefits provided
6 by a neonatal intensive care leave program enforced by a municipal
7 corporation in effect as of the effective date of this section shall not
8 be diminished or limited as a result of the enactment of this section.

9 10. The commissioner shall have authority to adopt regulations and
10 issue guidance to effectuate any of the provisions of this section.
11 Employers shall comply with regulations and guidance promulgated by the
12 commissioner for this purpose which may include but are not limited to
13 standards for the use and employee eligibility of neonatal intensive
14 care leave.

15 11. The department shall conduct a public awareness outreach campaign
16 which shall include making information available on its website and
17 otherwise informing employers and employees of the provisions of this
18 section.

19 § 2. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law. Effective immediately, the addition, amend-
21 ment and/or repeal of any rule or regulation necessary for the implemen-
22 tation of this act on its effective date are authorized to be made and
23 completed on or before such effective date.