STATE OF NEW YORK

11696

IN ASSEMBLY

September 2, 2026

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

AN ACT to amend the workers' compensation law, in relation to permitting paid family leave in four-hour increments

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

Section 1. Subdivision 14 of section 201 of the workers' compensation law, as amended by section 2 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

14. "A day of disability" means any day on which the employee was prevented from performing work because of disability[~~, including any day which the employee uses for family leave,~~] and for which the employee has not received [~~his or her~~] **the employee's** regular remuneration.

§ 2. Subdivision 1 of section 204 of the workers' compensation law, as amended by section 5 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

1. Disability benefits shall be payable to an eligible employee for disabilities, beginning with the eighth day of disability and thereafter during the continuance of disability, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Family leave benefits shall be payable to an eligible employee for the first [~~full day~~] **four-hour increment** when family leave is required and thereafter during the continuance of the need for family leave, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Successive periods of disability or family leave caused by the same or related injury or sickness shall be deemed a single period of disability or family leave only if separated by less than three months.

§ 3. Paragraph (a) of subdivision 2 of section 204 of the workers' compensation law, as added by section 5 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

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

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(a) The weekly benefit for family leave that occurs (i) on or after January first, two thousand eighteen shall not exceed eight weeks during any fifty-two week calendar period and shall be fifty percent of the employee's average weekly wage but shall not exceed fifty percent of the state average weekly wage, (ii) on or after January first, two thousand nineteen shall not exceed ten weeks during any fifty-two week calendar period and shall be fifty-five percent of the employee's average weekly wage but shall not exceed fifty-five percent of the state average weekly wage, (iii) on or after January first, two thousand twenty shall not exceed ten weeks during any fifty-two week calendar period and shall be sixty percent of the employee's average weekly wage but shall not exceed sixty percent of the state average weekly wage, and (iv) on or after January first of each succeeding year, shall not exceed twelve weeks during any fifty-two week calendar period and shall be sixty-seven percent of the employee's average weekly wage but shall not exceed sixty-seven percent of the New York state average weekly wage in effect. The superintendent of financial services shall have discretion to delay the increases in the family leave benefit level provided in subparagraphs (ii), (iii), and (iv) of this paragraph by one or more calendar years. In determining whether to delay the increase in the family leave benefit for any year, the superintendent of financial services shall consider: (1) the current cost to employees of the family leave benefit and any expected change in the cost after the benefit increase; (2) the current number of insurers issuing insurance policies with a family leave benefit and any expected change in the number of insurers issuing such policies after the benefit increase; (3) the impact of the benefit increase on employers' business and the overall stability of the program to the extent that information is readily available; (4) the impact of the benefit increase on the financial stability of the disability and family leave insurance market and carriers; and (5) any additional factors that the superintendent of financial services deems relevant. If the superintendent of financial services delays the increase in the family leave benefit level for one or more calendar years, the family leave benefit level that shall take effect immediately following the delay shall be the same benefit level that would have taken effect but for the delay. The weekly benefits for family leave that occurs on or after January first, two thousand eighteen shall not be less than one hundred dollars per week except that if the employee's wages at the time of family leave are less than one hundred dollars per week, the employee shall receive [~~his or her~~] **their** full wages. Benefits may be payable to employees for paid family leave taken intermittently or for less than a full work week in increments of [~~one full day~~] **four hours** or one [~~fifth~~] **tenth** of the weekly benefit.

§ 4. Paragraph (a) of subdivision 1 of section 205 of the workers' compensation law, as amended by section 6 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(a) For more than twenty-six weeks minus any [~~days~~] **four-hour increment** taken for family leave during any fifty-two consecutive calendar weeks during a period of fifty-two consecutive calendar weeks or during any one period of disability, or for more than twenty-six weeks;

§ 5. Paragraphs (b) and (c) of subdivision 3 of section 205 of the workers' compensation law, as amended by section 6 of part SS of chapter 54 of the laws of 2016, are amended and a new paragraph (b-1) is added to read as follows:

(b) for any day of disability [~~or family leave~~] during which the employee performed work for remuneration or profit;

(b-1) for any day of family leave during which the employee performed work for remuneration or profit for more than one four-hour increment;

(c) for any day of disability or **any four-hour increment of** family leave for which the employee is entitled to receive from [~~his or her~~] **their** employer, or from a fund to which the employer has contributed, remuneration or maintenance in an amount equal to or greater than that to which [~~he or she~~] **such employee** would be entitled under this article; but any voluntary contribution or aid which an employer may make to an employee or any supplementary benefit paid to an employee pursuant to the provisions of a collective bargaining agreement or from a trust fund to which contributions are made pursuant to the provisions of a collective bargaining agreement shall not be considered as continued remuneration or maintenance for this purpose;

§ 6. Paragraph (d) of subdivision 3 of section 206 of the workers' compensation law, as added by section 7 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

(d) for any day in which claimant works [~~at least part of that day~~] **more than one four-hour increment** for remuneration or profit for the covered employer or for any other employer while working for remuneration or profit, for [~~him or herself~~] **themself**, or another person or entity, during the same or substantially similar working hours as those of the covered employer from which family leave benefits are claimed, except that occasional scheduling adjustments with respect to secondary employments shall not prevent receipt of family leave benefits.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.