STATE OF NEW YORK

5571

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to family leave

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

Section 1. The workers' compensation law is amended by adding a new section 203-d to read as follows:

§ 203-d. Paid time off and leave use under a covered employer. Under no circumstances may a covered employer require an employee use paid time off or any other accrued time before using or being eligible to use family leave as defined in subdivision fifteen of section two hundred one of this article.

§ 2. Subdivision 15 of section 201 of the workers' compensation law, as added by section 2 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

15. "Family leave" shall mean any leave taken by an employee from work: (a) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member; or (b) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or (c) because of any qualifying exigency as interpreted under the family and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R. S.825.126(a)(1)-(8), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States**, which includes being called to active duty within the contiguous United States, Hawaii, Alaska, or any U.S. territory**.

§ 3. This act shall take effect immediately.

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

LBD05021-01-5