S T A T E O F N E W Y O R K

3056

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. PERRY, PHEFFER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to retaining health benefits during approved unpaid leave of absence

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The labor law is amended by adding a new section 201-g to read as follows:

S 201-G. MAINTENANCE OF HEALTH BENEFITS DURING APPROVED LEAVE OF ABSENCE. 1. WHENEVER AN EMPLOYER OR GOVERNMENTAL AGENCY PERMITS AN EMPLOYEE TO TAKE AN APPROVED UNPAID LEAVE OF ABSENCE, SUCH EMPLOYER SHALL OFFER SUCH EMPLOYEE THE OPPORTUNITY TO MAINTAIN HIS OR HER HEALTH CARE BENEFITS, PROVIDED THAT SUCH EMPLOYEE CONTINUES TO PAY HIS OR HER EMPLOYEE CONTRIBUTION TO SUCH HEALTH PLAN THROUGH THE EMPLOYER.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "EMPLOYEE" MEANS A PERSON WHO PERFORMS SERVICE FOR HIRE FOR AN EMPLOYER, FOR AN AVERAGE OF TWENTY OR MORE HOURS PER WEEK, AND INCLUDES ALL INDIVIDUALS EMPLOYED AT ANY SITE OWNED OR OPERATED BY AN EMPLOYER BUT SHALL NOT INCLUDE AN INDEPENDENT CONTRACTOR.

(B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS TWENTY OR MORE EMPLOYEES AT AT LEAST ONE SITE AND INCLUDES AN INDIVIDUAL, CORPORATION, COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY OR OTHER GOVERNMENTAL SUBDIVISION OF ANY KIND.

3. AN EMPLOYER SHALL NOT RETALIATE AGAINST AN EMPLOYEE FOR REQUESTING OR OBTAINING A LEAVE OF ABSENCE AS PROVIDED IN THIS SECTION.

4. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT OR PREVENT AN EMPLOYER FROM PROVIDING LEAVE IN ADDITION TO ANY OTHER LEAVE AUTHORIZED BY LAW. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT AN EMPLOYEE'S RIGHTS WITH RESPECT TO ANY OTHER EMPLOYEE BENEFIT PROVIDED BY LAW.

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

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5. THE PROVISIONS OF THIS SECTION SHALL NOT AFFECT ANY OTHER TERMS OF THE EMPLOYER'S HEALTH CARE BENEFITS AS PROVIDED BY CONTRACT OR BY LAW.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.