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

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I N A S S E M B L Y

June 12, 2016

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

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

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

Section 1. Section 203 of the workers' compensation law, as amended by section 3 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

S 203. Employees eligible for benefits under section two hundred four of this article. Employees in employment of a covered employer for four or more consecutive weeks and employees in employment during the work period usual to and available during such four or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for disability benefits as provided in section two hundred four of this article. Employees in employment of a covered employer for twenty-six or more consecutive weeks and employees in employment during the work period usual to and available during such twenty-six or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for family leave benefits as provided in section two hundred four of this article. FOR PURPOSES OF THIS ARTICLE, EMPLOYEES WHO PERFORM CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIRS, RENOVATIONS, ALTERATIONS, OR IMPROVEMENTS FOR MULTIPLE EMPLOYERS PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT SHALL BE ELIGIBLE FOR FAMILY LEAVE BENEFITS IF THEY WERE EMPLOYED FOR AT LEAST TWENTY-SIX OF THE LAST THIRTY-NINE WEEKS BY ANY COVERED EMPLOYER WHICH IS SIGNATORY TO A COLLECTIVE BARGAINING AGREEMENT. Every such employee shall continue to be eligible for family leave benefits only during employment with a covered employer. Every such employee shall continue to be eligible for disability benefits during such employment and for a period of four weeks after such employment terminates regardless of whether the employee performs

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

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any work for remuneration or profit in non-covered employment. If during such four week period the employee performs any work for remuneration or profit for another covered employer the employee shall become eligible for disability benefits immediately with respect to that employment. In addition every such employee who has previously completed four or more consecutive weeks in employment with the covered employer for purposes of disability benefits, or twenty-six or more consecutive weeks in employment with the covered employer for purposes of paid family leave, and returns to work with the same employer after an agreed and specified unpaid leave of absence or vacation without pay shall become eligible for benefits immediately with respect to such employment. FOR PURPOSES OF THIS ARTICLE, EMPLOYEES WHO PERFORM CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIRS, RENOVATIONS, ALTERATIONS, OR IMPROVEMENTS FOR MULTIPLE EMPLOYERS PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT AND WHO BECAME ELIGIBLE FOR PAID FAMILY LEAVE BENEFITS BY WORKING AT LEAST TWENTY-SIX OF THE LAST THIRTY-NINE WEEKS, AND WHO RETURN TO WORK AFTER AN AGREED AND SPECIFIED UNPAID LEAVE OF ABSENCE OR VACATION WITHOUT PAY WITH THE SAME OR DIFFERENT EMPLOYER SHALL BECOME ELIGIBLE FOR FAMILY LEAVE BENEFITS IMMEDIATELY WITH RESPECT TO SUCH EMPLOYMENT. IN THE CASE OF EMPLOYEES WHO PERFORM CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIRS, RENOVATIONS, ALTERATIONS, OR IMPROVEMENTS FOR MULTIPLE EMPLOYERS PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT WHO ARE LAID-OFF AND RECEIVE UNEMPLOYMENT BENEFITS, SUCH EMPLOYEES SHALL BE ELIGIBLE FOR FAMILY LEAVE BENEFITS UPON RETURNING TO WORK IF THEY ARE OTHERWISE QUALIFIED BY HAVING WORKED AT LEAST TWENTY-SIX OF THE LAST THIRTY-NINE WEEKS. An employee who during a period in which he or she is eligible to receive benefits under subdivision two of section two hundred seven of this article returns to employment with a covered employer and an employee who is currently receiving unemployment insurance benefits or benefits under section two hundred seven of this article and who returns to employment with a covered employer shall become eligible for disability benefits immediately with respect to such employment. An employee regularly in the employment of a single employer on a work schedule less than the employer's normal work week shall become eligible for disability leave benefits on the twenty-fifth day of such regular employment and for purposes of paid family leave an employer shall become eligible for benefits on the one hundred seventy-fifth day of such regular employment. An employee who is eligible for disability and family leave benefits in the employment of a covered employer shall not be deemed, for the purposes of this article, to have such employment terminated during any period he or she is eligible to receive benefits under section two hundred four of this article with respect to such employment.

S 2. This act shall take effect immediately.