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I N   S E N A T E

June 2, 2016

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Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1     Section 1. Section 203 of the workers' compensation law, as amended by  
2     section 3 of part SS of chapter 54 of the laws of 2016, is amended to  
3     read as follows:  
4     S 203. Employees eligible for benefits under section two hundred four  
5     of this article. Employees in employment of a covered employer for four  
6     or more consecutive weeks and employees in employment during the work  
7     period usual to and available during such four or more consecutive weeks  
8     in any trade or business in which they are regularly employed and in  
9     which hiring from day to day of such employees is the usual employment  
10    practice shall be eligible for disability benefits as provided in  
11    section two hundred four of this article. Employees in employment of a  
12    covered employer for twenty-six or more consecutive weeks and employees  
13    in employment during the work period usual to and available during such  
14    twenty-six or more consecutive weeks in any trade or business in which  
15    they are regularly employed and in which hiring from day to day of such  
16    employees is the usual employment practice shall be eligible for family  
17    leave benefits as provided in section two hundred four of this article.  
18    FOR PURPOSES OF THIS ARTICLE, EMPLOYEES WHO PERFORM CONSTRUCTION, DEMO-  
19    LITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIRS, RENO-  
20    VATIONS, ALTERATIONS, OR IMPROVEMENTS FOR MULTIPLE EMPLOYERS PURSUANT TO  
21    A COLLECTIVE BARGAINING AGREEMENT SHALL BE ELIGIBLE FOR FAMILY LEAVE  
22    BENEFITS IF THEY WERE EMPLOYED FOR AT LEAST TWENTY-SIX OF THE LAST THIR-  
23    TY-NINE WEEKS BY ANY COVERED EMPLOYER WHICH IS SIGNATORY TO A COLLECTIVE  
24    BARGAINING AGREEMENT. Every such employee shall continue to be eligible  
25    for family leave benefits only during employment with a covered employ-  
26    er. Every such employee shall continue to be eligible for disability  
27    benefits during such employment and for a period of four weeks after  
28    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.

LBD15745-01-6

1 any work for remuneration or profit in non-covered employment. If during  
2 such four week period the employee performs any work for remuneration or  
3 profit for another covered employer the employee shall become eligible  
4 for disability benefits immediately with respect to that employment. In  
5 addition every such employee who has previously completed four or more  
6 consecutive weeks in employment with the covered employer for purposes  
7 of disability benefits, or twenty-six or more consecutive weeks in  
8 employment with the covered employer for purposes of paid family leave,  
9 and returns to work with the same employer after an agreed and specified  
10 unpaid leave of absence or vacation without pay shall become eligible  
11 for benefits immediately with respect to such employment. FOR PURPOSES  
12 OF THIS ARTICLE, EMPLOYEES WHO PERFORM CONSTRUCTION, DEMOLITION, RECON-  
13 STRUCTION, EXCAVATION, REHABILITATION, REPAIRS, RENOVATIONS, ALTER-  
14 ATIONS, OR IMPROVEMENTS FOR MULTIPLE EMPLOYERS PURSUANT TO A COLLECTIVE  
15 BARGAINING AGREEMENT AND WHO BECAME ELIGIBLE FOR PAID FAMILY LEAVE BENE-  
16 FITS BY WORKING AT LEAST TWENTY-SIX OF THE LAST THIRTY-NINE WEEKS, AND  
17 WHO RETURN TO WORK AFTER AN AGREED AND SPECIFIED UNPAID LEAVE OF ABSENCE  
18 OR VACATION WITHOUT PAY WITH THE SAME OR DIFFERENT EMPLOYER SHALL BECOME  
19 ELIGIBLE FOR FAMILY LEAVE BENEFITS IMMEDIATELY WITH RESPECT TO SUCH  
20 EMPLOYMENT. IN THE CASE OF EMPLOYEES WHO PERFORM CONSTRUCTION, DEMOLI-  
21 TION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIRS, RENOVATIONS,  
22 ALTERATIONS, OR IMPROVEMENTS FOR MULTIPLE EMPLOYERS PURSUANT TO A  
23 COLLECTIVE BARGAINING AGREEMENT WHO ARE LAID-OFF AND RECEIVE UNEMPLOY-  
24 MENT BENEFITS, SUCH EMPLOYEES SHALL BE ELIGIBLE FOR FAMILY LEAVE BENE-  
25 FITS UPON RETURNING TO WORK IF THEY ARE OTHERWISE QUALIFIED BY HAVING  
26 WORKED AT LEAST TWENTY-SIX OF THE LAST THIRTY-NINE WEEKS. An employee  
27 who during a period in which he or she is eligible to receive benefits  
28 under subdivision two of section two hundred seven of this article  
29 returns to employment with a covered employer and an employee who is  
30 currently receiving unemployment insurance benefits or benefits under  
31 section two hundred seven of this article and who returns to employment  
32 with a covered employer shall become eligible for disability benefits  
33 immediately with respect to such employment. An employee regularly in  
34 the employment of a single employer on a work schedule less than the  
35 employer's normal work week shall become eligible for disability leave  
36 benefits on the twenty-fifth day of such regular employment and for  
37 purposes of paid family leave an employer shall become eligible for  
38 benefits on the one hundred seventy-fifth day of such regular employ-  
39 ment. An employee who is eligible for disability and family leave bene-  
40 fits in the employment of a covered employer shall not be deemed, for  
41 the purposes of this article, to have such employment terminated during  
42 any period he or she is eligible to receive benefits under section two  
43 hundred four of this article with respect to such employment.

44 S 2. This act shall take effect immediately.