

STATE OF NEW YORK

9937

IN ASSEMBLY

February 27, 2018

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

AN ACT to amend the workers' compensation law, in relation to eligibility for New York state paid family leave benefits by persons engaged in a teaching capacity in a religious institution

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

1 Section 1. Group 18 of subdivision 1 of section 3 of the workers'
2 compensation law, as amended by chapter 260 of the laws of 1972, is
3 amended to read as follows:

4 Group 18. All other employments, except persons engaged in a [~~teaching~~
5 ~~or~~] nonmanual capacity in or for a religious, charitable or educational
6 institution, notwithstanding the definition of employment in subdivision
7 five of section two, not hereinbefore enumerated, carried on by any
8 person, firm or corporation in which there are engaged or employed one
9 or more employees regularly, in the same business or in or about the
10 same establishment either upon the premises or at the plant or away from
11 the plant of the employer, under any contract of hire, express or
12 implied, oral or written, except farm laborers and domestics other than
13 those within the coverage of this chapter pursuant to groups fourteen-b
14 and twelve respectively of this subdivision, unless the employer has
15 elected to bring such employees under the law by securing compensation
16 in accordance with the terms of section fifty of this chapter and
17 persons engaged in voluntary service not under contract of hire. A duly
18 ordained, commissioned or licensed minister, priest or rabbi, a sexton,
19 a christian science reader, or a member of a religious order, shall not
20 be deemed to be employed or engaged in employment under the terms of
21 this section. Recipients of charitable aid from a religious or charita-
22 ble institution who perform work in or for the institution which is
23 incidental to or in return for the aid conferred, and not under any
24 express contract of hire, shall not be deemed to be employed or engaged
25 in employment under the terms of this section. All persons who are
26 members of a supervised amateur athletic activity operated on a non-pro-
27 fit basis shall not be deemed to be employed or engaged in employment

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

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1 under the terms of this section, provided that said members are not also
2 otherwise engaged or employed by any person, firm or corporation partic-
3 ipating in said athletic activity. The terms "religious, charitable or
4 educational institution" mean a corporation, unincorporated association,
5 community chest, fund or foundation organized and operated exclusively
6 for religious, charitable or educational purposes, no part of the net
7 earnings of which inure to the benefit of any private shareholder or
8 individual.

9 § 2. The opening paragraph of subdivision 5 of section 201 of the
10 workers' compensation law, as amended by chapter 481 of the laws of
11 2010, is amended to read as follows:

12 "Employee" means a person engaged in the service of an employer in any
13 employment defined in subdivision six of this section, except a minor
14 child of the employer, except a duly ordained, commissioned, or licensed
15 minister, priest or rabbi, a sexton, a christian science reader, or
16 member of a religious order, or an executive officer of a corporation
17 who at all times during the period involved owns all of the issued and
18 outstanding stock of the corporation and holds all of the offices pursu-
19 ant to paragraph (e) of section seven hundred fifteen of the business
20 corporation law or two executive officers of a corporation who at all
21 times during the period involved between them own all of the issued and
22 outstanding stock of such corporation and hold all such offices
23 provided, however, that each officer must own at least one share of
24 stock, except as provided in section two hundred twelve of this article,
25 or an executive officer of an incorporated religious, charitable or
26 educational institution, or persons engaged in a professional [~~or teach-~~
27 ~~ing~~] capacity in or for a religious, charitable or educational institu-
28 tion, or volunteers in or for a religious, charitable or educational
29 institution, or persons participating in and receiving rehabilitative
30 services in a sheltered workshop operated by a religious, charitable or
31 educational institution under a certificate issued by the United States
32 department of labor, or recipients of charitable aid from a religious or
33 charitable institution who perform work in or for the institution which
34 is incidental to or in return for the aid conferred, and not under an
35 express contract of hire. The terms "religious, charitable or educa-
36 tional institution" mean a corporation, unincorporated association,
37 community chest, fund or foundation organized and operated exclusively
38 for religious, charitable or educational purposes, no part of the net
39 earnings of which inure to the benefit of any private shareholder or
40 individual.

41 § 3. This act shall take effect on the thirtieth day after it shall
42 have become a law.