STATE OF NEW YORK

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IN SENATE

February 13, 2018
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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to providing four weeks of leave for victims of abuse

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

1 Section 1. Paragraph (c) of subdivision 15 of section 201 of the work-
2 ers' compensation law, as added by section 2 of part SS of chapter 54 of
3 the laws of 2016, is amended and a new paragraph (d) is added to read as
4 follows:
5 (c) because of any qualifying exigency as interpreted under the family
6 and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R.
7 S.825.126(a)(1)-(8), arising out of the fact that the spouse, domestic
8 partner, child, or parent of the employee is on active duty (or has been
9 notified of an impending call or order to active duty) in the armed
10 forces of the United States[.]*; or*
11 *(d) to seek services as a victim of domestic or sexual violence,*
12 *including, but not limited to, medical attention from any physical or*
13 *psychological injuries, attending counseling sessions in order to deal*
14 *with the effects of such injuries, seeking legal assistance including*
15 *attendance in court proceedings or to communicate with an attorney, and*
16 *seeking services allowing for relocating to a permanent or temporary*
17 *residence.*
18 § 1-a. Section 201 of the workers' compensation law is amended by
19 adding four new subdivisions 24, 25, 26 and 27 to read as follows:
20 *24. "Victim of domestic or sexual abuse" means a victim of domestic*
21 *violence, a sex offense, or stalking.*
22 *25. "Victim of domestic violence" means an individual who is a victim*
23 *of an act which would constitute a family offense pursuant to subdivi-*
24 *sion one of section eight hundred twelve of the family court act.*

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

LBD14424-02-8

1   **26. "Victim of a sex offense" means an individual who is a victim of**
2   **an act or acts that would constitute a violation of article one hundred**
3   **thirty of the penal law.**
4   **27. "Victim of stalking" means an individual who is a victim of an act**
5   **or acts that would constitute a violation of section 120.45, 120.50,**
6   **120.55, or 120.60 of the penal law.**
7   § 2. Section 204 of the workers' compensation law is amended by adding
8   a new subdivision 3 to read as follows:
9   **3. Notwithstanding any provision of law to the contrary, the weekly**
10 **benefit for family leave taken pursuant to paragraph (d) of subdivision**
11 **fifteen of section two hundred one of this article shall not exceed two**
12 **weeks during any fifty-two week calendar period and shall be sixty-seven**
13 **percent of the employee's average weekly wages but shall not exceed**
14 **sixty-seven percent of the New York state average weekly wage.**
15 § 3. The workers' compensation law is amended by adding a new section
16 204-a to read as follows:
17 **§ 204-a. Additional unpaid leave for victims of domestic or sexual**
18 **abuse. In addition to any leave taken by a victim of domestic or sexual**
19 **abuse pursuant to section two hundred four of this article, an eligible**
20 **employee may take an additional two weeks of unpaid leave during any**
21 **fifty-two week calendar period. An employee taking unpaid leave pursuant**
22 **to the provisions of this section shall otherwise be treated as any**
23 **other covered employee for the purposes of this chapter.**
24 § 4. The department of financial services is authorized to take into
25 account the provisions of this act when determining the maximum employee
26 contribution for the paid family leave program pursuant to article nine
27 of the workers' compensation law.
28 § 5. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.