

STATE OF NEW YORK

8788

IN SENATE

May 18, 2018

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed 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:

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 § 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.

LBD01641-01-7

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 § 2. This act shall take effect immediately.