

STATE OF NEW YORK

2231

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

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

AN ACT to amend the labor law, in relation to dysmenorrhea and use of sick leave

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

1 Section 1. The labor law is amended by adding a new section 19 to read
2 as follows:

3 § 19. Sick leave; dysmenorrhea. 1. For purposes of this section:

4 (a) "employer" means a state agency, an office or department, a unit
5 of local government, a school district, an individual, a partnership, an
6 association, a corporation or a nonprofit organization, which employs
7 one or more employees in the state of New York;

8 (b) "dysmenorrhea" means painful menstruation, typically involving
9 abdominal cramps; and

10 (c) "sick leave" shall not include any benefit provided under an
11 employee welfare benefit plan subject to the federal Employee Retirement
12 Income Security Act of 1974 and shall not include any insurance benefit,
13 workers' compensation benefit, unemployment compensation disability
14 benefit, or benefit not payable from the employer.

15 2. Any employee working for an employer, which provides sick leave for
16 its employees, shall be entitled to utilize such employee's accrued and
17 available sick leave as a result of suffering from dysmenorrhea. Such
18 leave may be taken in either full day or partial day increments.

19 3. Except as otherwise provided pursuant to a valid collective
20 bargaining agreement, an employer who provides sick leave for employees
21 shall permit an employee to use in any calendar year, such employee's
22 accrued and available sick leave pursuant to this section.

23 § 2. Nothing in this act shall be construed to impede, infringe or
24 diminish the rights and benefits which accrue to employees through bona
25 fide collective bargaining agreements, or otherwise diminish the integ-

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

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1 rity of existing collective bargaining agreements and other past prac-
2 tices.

3 § 3. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law; provided however, the provisions of this act
5 shall not supersede any collective bargaining agreement, during its
6 term, in existence on the effective date of this act.