STATE OF NEW YORK

1002

2019-2020 Regular Sessions

IN SENATE

January 10, 2019

Introduced by Sens. YOUNG, HELMING -- 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 providing an exemption from coverage for certain members of a recognized religious sect

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

Section 1. The workers' compensation law is amended by adding a new section 126 to read as follows:

§ 126. Exemption from coverage. 1. An employer who is a member of a recognized religious sect which embraces a long-standing commitment of non-involvement in the matters of established governmental practices and is conscientiously opposed to acceptance of any public or private insurance that makes payments in the event of death, disability, old age or retirement or makes payments toward the cost of or provides services for medical bills (including the benefits of any insurance system established by the Federal Social Security Act 42 U.S.C. 301 et seq.) may file an application with the department to be exempted from the provisions of this chapter to the extent his or her employees are from the same religious sect.

2. The application shall include a written waiver by the employees of all benefits under this chapter and an affidavit by such employee that he or she is a member of a recognized religious sect which embraces a long-standing commitment of non-involvement in the matters of established governmental practices and is conscientiously opposed to acceptance of the benefits of any public or private insurance.

3. Such application shall be granted if the department shall find that: (a) such employees are members of a sect or division having the established tenets or teachings referred to in subdivision one of this section; and (b) it is the practice, and has been for a substantial number of years, for members of such sect or division thereof to make

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

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provision for their dependent members which in its judgment is reasonable in view of their general level of living.

4. When an employee is a minor, the waiver and affidavit required by subdivision one of this section may be made by the guardian of the minor.

5. An exception granted in regard to a specific employee shall be valid for all future years unless such employee or sect ceases to meet the requirements of subdivision one of this section.

§ 2. This act shall take effect immediately.