STATE OF NEW YORK

5090--A

Cal. No. 640

2019-2020 Regular Sessions

IN SENATE

April 9, 2019

Introduced by Sens. PARKER, FUNKE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Paragraph (c) of subdivision 15 of section 201 of the workers' compensation law, as added by section 2 of part SS of chapter 54 of the laws of 2016, is amended and a new paragraph (d) is added to read as follows:

(c) because of any qualifying exigency as interpreted under the family and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R. S.825.126(a)(1)-(8), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States[~~.~~]**; or**

(d) to seek services as a victim of domestic or sexual violence, including, but not limited to, medical attention from any physical or psychological injuries, attending counseling sessions in order to deal with the effects of such injuries, seeking legal assistance including attendance in court proceedings or to communicate with an attorney, and seeking services allowing for relocating to a permanent or temporary residence.

§ 1-a. Section 201 of the workers' compensation law is amended by adding four new subdivisions 24, 25, 26 and 27 to read as follows:

24. "Victim of domestic or sexual abuse" means a victim of domestic violence, a sex offense, or stalking.

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

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25. "Victim of domestic violence" means an individual who is a victim of an act which would constitute a family offense pursuant to subdivision one of section eight hundred twelve of the family court act.

26. "Victim of a sex offense" means an individual who is a victim of an act or acts that would constitute a violation of article one hundred thirty of the penal law.

27. "Victim of stalking" means an individual who is a victim of an act or acts that would constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

§ 2. Section 204 of the workers' compensation law is amended by adding a new subdivision 3 to read as follows:

3. Notwithstanding any provision of law to the contrary, the weekly benefit for family leave taken pursuant to paragraph (d) of subdivision fifteen of section two hundred one of this article shall not exceed two weeks during any fifty-two week calendar period and shall be sixty-seven percent of the employee's average weekly wages but shall not exceed sixty-seven percent of the New York state average weekly wage.

§ 3. The workers' compensation law is amended by adding a new section 204-a to read as follows:

§ 204-a. Additional unpaid leave for victims of domestic or sexual abuse. In addition to any leave taken by a victim of domestic or sexual abuse pursuant to section two hundred four of this article, an eligible employee may take an additional two weeks of unpaid leave during any fifty-two week calendar period. An employee taking unpaid leave pursuant to the provisions of this section shall otherwise be treated as any other covered employee for the purposes of this chapter.

§ 4. The department of financial services is authorized to take into account the provisions of this act when determining the maximum employee contribution for the paid family leave program pursuant to article nine of the workers' compensation law.

§ 5. This act shall take effect immediately; provided, however, that section three of this act shall take effect on January 1, 2021 and provided, further, that section two of this act shall take effect on January 1, 2022.