STATE OF NEW YORK

6225

2021-2022 Regular Sessions

IN SENATE

April 15, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to expanding the use of sick leave to include bereavement

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

Section 1. Paragraph a of subdivision 4 of section 196-b of the labor law, as added by section 1 of part J of chapter 56 of the laws of 2020, is amended to read as follows:

a. On and after January first, two thousand twenty-one and upon the oral or written request of an employee, an employer shall provide accrued sick leave for the following purposes:

(i) [~~for~~] **For** a mental or physical illness, injury, or health condition of such employee or such employee's family member, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave[~~;~~]**.**

(ii) [~~for~~] **For** the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member[~~; or~~]**.**

(iii) [~~for~~] **For** an absence from work due to any of the following reasons when the employee or employee's family member has been the victim of domestic violence pursuant to subdivision thirty-four of section two hundred ninety-two of the executive law, a family offense, sexual offense, stalking, or human trafficking:

(a) to obtain services from a domestic violence shelter, rape crisis center, or other services program;

(b) to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;

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

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(c) to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;

(d) to file a complaint or domestic incident report with law enforcement;

(e) to meet with a district attorney's office;

(f) to enroll children in a new school; or

(g) to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.

For purposes of this subdivision, the reasons outlined above in [~~subparagraph~~] **clause** (a) through (g) must be related to the domestic violence, family offense, sexual offense, stalking, or human trafficking. Provided further that a person who has committed such domestic violence, family offense, sexual offense, stalking, or human trafficking shall not be eligible for leave under this subdivision for situations in which the person committed such offense and was not a victim, notwithstanding any family relationship.

(iv) For the purposes of bereavement, including but not limited to following the unplanned end of an employee's confirmed pregnancy by way of a miscarriage or still-birth or following the unplanned end of another person's confirmed pregnancy, by way of a miscarriage or still-birth, if the employee is the person's spouse or partner, is the person's former spouse or partner and would have been a biological parent of a child born as the result of the pregnancy, or is the person's genetic surrogate as such term is defined in section one hundred twenty-one of the domestic relations law.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.