STATE OF NEW YORK

1835

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

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:

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

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

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

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

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

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

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

§ 2. Nothing in this act shall be construed to impede, infringe or diminish the rights and benefits which accrue to employees through bona 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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rity of existing collective bargaining agreements and other past practices.

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