STATE OF NEW YORK

8354

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

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

AN ACT to amend the labor law, in relation to requiring employers to provide paid vacation time

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 196-e to read as follows:

§ 196-e. Paid vacation. 1. Every employer shall offer paid vacation to each eligible employee based on length of employment, as follows:

a. After one full year of employment, each employee shall be offered up to two weeks of paid vacation;

b. After three full years of employment, each employee shall be offered up to three weeks of paid vacation; and

c. After five full years of employment, each employee shall be offered up to four weeks of paid vacation.

2. Any employee working an average of twenty hours per week or more shall be eligible for paid vacation pursuant to this section.

3. Nothing in this section shall be construed to prohibit or prevent an employer from providing an amount of paid vacation which is in excess of the requirements set forth in subdivision one of this section, or from adopting a paid leave policy that provides additional benefits to employees. An employer may elect to provide its employees with the total amount of paid vacation required to fulfill its obligations pursuant to subdivision one of this section at the beginning of the calendar year, provided, however that no employer shall be permitted to reduce or revoke any such paid vacation based on the number of hours actually worked by an employee during the calendar year if such employer elects pursuant to this subdivision.

4. No employer shall be permitted to penalize any employee for exercising their right to vacation time pursuant to this section. No employ-

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

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er shall be permitted to intimidate an employee into not exercising their right to vacation time under this section.

5. Employers shall set reasonable policies and expectations around granting employee vacation requests. Such policies may require the employee to provide a certain amount of notice to the employer prior to the start of the employee's vacation time; provided, however, that no employer shall require more than four full weeks prior notice.

6. Paid vacation time shall be granted in consecutive days. Employees entitled to more than one week of paid vacation time shall be permitted to take such time in non-consecutive weeks if requested by the employee; provided, however, that an employer may not require vacation time to be taken in non-consecutive weeks.

7. No employer shall require any employee to undertake any action, including communication and correspondence, related to their employment during the duration of their paid vacation time.

8. Any employee, with the consent of their employer, may choose to forgo their paid vacation time. Any employee who chooses to forgo their paid vacation time shall be paid at a rate of double their standard wages for a length of time equal to the amount of paid vacation time such employee was entitled to. Such payment shall be paid to such employee before the end of their employment year.

§ 2. This act shall take effect immediately.