STATE OF NEW YORK

9568

IN ASSEMBLY

March 20, 2024

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

AN ACT to amend the workers' compensation law, in relation to allowing a parent who suffers an involuntary loss of a pregnancy be automatically enrolled in temporary disability benefits

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

Section 1. Paragraph B of subdivision 9 of section 201 of the workers' compensation law, as amended by chapter 352 of the laws of 1981, is amended to read as follows:

B. "Disability" also includes disability caused by or in connection with a pregnancy**, including the involuntary loss of a pregnancy via miscarriage or a stillborn child**.

§ 2. Subdivision 1 of section 204 of the workers' compensation law, as amended by section 5 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

1. Disability benefits shall be payable to an eligible employee for disabilities, beginning with the eighth day of disability and thereafter during the continuance of disability, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Family leave benefits shall be payable to an eligible employee for the first full day when family leave is required and thereafter during the continuance of the need for family leave, subject to the limitations as to maximum and minimum amounts and duration and other conditions and limitations in this section and in sections two hundred five and two hundred six of this article. Successive periods of disability or family leave caused by the same or related injury or sickness shall be deemed a single period of disability or family leave only if separated by less than three months. **For the purposes of this subdivision, the involuntary loss of a pregnancy shall be deemed a separate period of disability.**

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

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

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§ 204-a. Automatic conversion of family leave benefits to temporary disability benefits. 1. Where a claimant who is expected to receive family leave benefits under section two hundred four of this article suffers an involuntary loss of pregnancy, the chair upon notice of such involuntary loss of pregnancy, shall automatically enroll such claimant for temporary disability benefits. Such temporary disability benefits shall begin upon notice of an involuntary loss of pregnancy.

2. In the event such claimant is eligible for temporary disability benefits due to an involuntary loss of pregnancy, a certificate of stillbirth or a fetal death certificate shall serve as proof for need of temporary disability benefits.

3. Nothing in this section shall be construed to conflict with or otherwise limit the provisions set forth in section two hundred five of this article.

§ 4. This act shall take effect immediately.