

# STATE OF NEW YORK

2059

2023-2024 Regular Sessions

## IN ASSEMBLY

January 23, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Transportation

AN ACT to amend the railroad law, in relation to establishing light duty during pregnancy and parental leave for railroad employees

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

1 Section 1. The railroad law is amended by adding two new sections 64-a  
2 and 64-b to read as follows:

3 § 64-a. Light duty for employees. 1. Should any employee engaged in  
4 the service of any railroad, including any commuter rail service, as  
5 defined by section ninety-seven-a of this article, owned or operated by  
6 a state authority or its subsidiary, as defined by section two of the  
7 public authorities law, who is pregnant be prevented by such pregnancy  
8 from performing the activities involved in her regular assigned duties  
9 due, but is able, as determined by the employee's medical provider, to  
10 perform specified types of light duty, the employer shall make available  
11 such light duty to the employee, provided, however, that such light duty  
12 shall enable her to continue to be entitled to her concurrent assignment  
13 earnings, including increases thereof and fringe benefits, to which she  
14 would have been entitled if she were able to perform her regular  
15 assigned duties.

16 2. Nothing in this section shall be deemed to diminish the rights,  
17 privileges, or remedies of any employee under any collective bargaining  
18 agreement or employment contract.

19 § 64-b. Parental leave for railroad employees. 1. For purposes of this  
20 section, "parental leave" shall mean any leave taken by an employee of  
21 any railroad, including any commuter rail service, as defined by section  
22 ninety-seven-a of this article, owned or operated by a state authority  
23 or its subsidiary, as defined by section two of the public authorities  
24 law, from work to bond with the employee's child during the first twelve

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

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1 months after the child's birth, or the first twelve months after the  
2 placement of the child for adoption or foster care with the employee.

3 2. Beginning January first, two thousand twenty-four, railroad employ-  
4 ees in employment for twenty-six or more consecutive weeks shall be  
5 eligible for parental leave benefits. Every such employee shall continue  
6 to be eligible for parental leave benefits until the termination of  
7 employment with the employer. An employee regularly in the employment of  
8 an employer as described in subdivision one of this section on a work  
9 schedule less than the employer's normal work week shall become eligible  
10 for parental leave benefits on the one hundred seventy-fifth day of such  
11 regular employment. An employee who is eligible for parental leave bene-  
12 fits shall not be deemed, for the purposes of this section, to have such  
13 employment terminated during any period he or she is eligible to receive  
14 benefits under this section with respect to such employment.

15 3. The weekly benefit for parental leave that occurs on or after Janu-  
16 ary first, two thousand twenty-four, shall not exceed twelve weeks  
17 during any fifty-two week calendar period and shall be sixty-seven  
18 percent of the employee's average weekly wage. The entire period of the  
19 leave of absence granted pursuant to this section shall not be charged  
20 against any other leave such employee is otherwise entitled to. Benefits  
21 may be payable to employees for parental leave taken intermittently or  
22 for less than a full work week in increments of one full day or one-  
23 fifth of the weekly benefit.

24 4. Parental leave benefits shall be payable to an eligible employee  
25 for the first full day when parental leave is required and thereafter  
26 during the continuance of the need for parental leave. The first payment  
27 of benefits shall be due on the fourteenth day of parental leave and  
28 benefits for that period shall be paid directly to the employee and  
29 thereafter benefits shall be due and payable bi-weekly in like manner.

30 5. Nothing in this section shall be deemed to diminish the rights,  
31 privileges, or remedies of any employee under any collective bargaining  
32 agreement or employment contract.

33 § 2. This act shall take effect immediately.