STATE OF NEW YORK

2438

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. PAULIN, BRONSON, COLTON, CRUZ, SIMON, SAYEGH, STECK -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to providing employees with one day off every ten years to undergo a colonoscopy

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

Section 1. Short title. This act shall be known and may be cited as "45 saves lives".

§ 2. The labor law is amended by adding a new section 202-n to read as follows:

§ 202-n. Leave of absence for colonoscopies. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Employee" means a person who performs services for hire for an employer, for an average of twenty or more hours per week, and includes all individuals employed at any site owned or operated by an employer but shall not include an independent contractor.

(b) "Employer" means a person or entity that employs twenty or more employees at at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, public authority or other governmental subdivision of any kind.

2. An employer shall grant one day of leave of absence every ten years to all employees forty-five years of age or older in order for such employee to undergo a colonoscopy.

3. An employer shall not retaliate against an employee for requesting or obtaining a leave of absence authorized pursuant to this section.

4. This section shall not affect an employee's rights with respect to any other employee benefit otherwise provided by law.

§ 3. This act shall take effect on the ninetieth day after it shall become a law.

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

LBD05190-01-3