

STATE OF NEW YORK

5857--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. RAJKUMAR -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law, in relation to providing four days of paid leave for menstrual complications and menopause

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York menstrual and menopause act".

3 § 2. Paragraph B of subdivision 9 of section 201 of the workers'
4 compensation law, as amended by chapter 352 of the laws of 1981, is
5 amended to read as follows:

6 B. "Disability" also includes disability caused by or in connection
7 with a pregnancy or menstrual complications or menopause.

8 § 3. Section 201 of the workers' compensation law is amended by adding
9 two new subdivisions 25 and 26 to read as follows:

10 25. "Menstrual complications" includes hypothyroidism, fibroids,
11 menorrhagia, endometriosis, and polycystic ovary syndrome (PCOS).

12 26. "Menopause" includes symptoms such as vasomotor symptoms including
13 hot flashes and night sweats, chills, sleep problems, hormonal/emotional
14 imbalances, weight gain and slowed metabolism.

15 § 4. Paragraph (c) of subdivision 15 of section 201 of the workers'
16 compensation law, as added by section 2 of part SS of chapter 54 of the
17 laws of 2016, is amended and a new paragraph (d) is added to read as
18 follows:

19 (c) because of any qualifying exigency as interpreted under the family
20 and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R.
21 S.825.126(a)(1)-(8), arising out of the fact that the spouse, domestic
22 partner, child, or parent of the employee is on active duty (or has been
23 notified of an impending call or order to active duty) in the armed

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

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1 forces of the United States[+]; or (d) to seek services for menstrual
2 complications and menopause including, but not limited to, medical
3 attention for any physical or psychological imbalances, and seeking
4 physician assistance in order to deal with the effects of prescribed
5 pharmaceuticals.

6 § 5. The workers' compensation law is amended by adding a new section
7 204-a to read as follows:

8 § 204-a. Menstrual complications and menopause leave. In addition to
9 any leave taken by an individual pursuant to section two hundred four of
10 this article, an eligible employee may take an additional four days a
11 month paid leave during any fifty-two-week calendar period for menstrual
12 complications and menopause. An employee taking paid leave pursuant to
13 the provisions of this section shall otherwise be treated as any other
14 covered employee for the purposes of this chapter.

15 § 6. The department of financial services is authorized to take into
16 account the provisions of this act when determining the maximum employee
17 contribution for the paid family leave program pursuant to article 9 of
18 the workers' compensation law.

19 § 7. This act shall take effect immediately.