

STATE OF NEW YORK

7965

IN SENATE

January 4, 2024

Introduced by Sens. PARKER, LIU -- read twice and ordered printed, and
when printed to be committed to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to providing
leave for victims of abuse

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

1 Section 1. Paragraph (c) of subdivision 15 of section 201 of the work-
2 ers' compensation law, as added by section 2 of part SS of chapter 54 of
3 the laws of 2016, is amended and a new paragraph (d) is added to read as
4 follows:

5 (c) because of any qualifying exigency as interpreted under the family
6 and medical leave act, 29 U.S.C.S § 2612(a)(1)(e) and 29 C.F.R.
7 S.825.126(a)(1)-(8), arising out of the fact that the spouse, domestic
8 partner, child, or parent of the employee is on active duty (or has been
9 notified of an impending call or order to active duty) in the armed
10 forces of the United States~~[-]~~; or (d) to seek services as a victim of
11 domestic or sexual violence, including, but not limited to, medical
12 attention from any physical or psychological injuries, attending coun-
13 seling sessions in order to deal with the effects of such injuries,
14 seeking legal assistance including attendance in court proceedings or to
15 communicate with an attorney, and seeking services allowing for relocat-
16 ing to a permanent or temporary residence.

17 § 1-a. Section 201 of the workers' compensation law is amended by
18 adding four new subdivisions 25, 26, 27 and 28 to read as follows:

19 25. "Victim of domestic or sexual abuse" means a victim of domestic
20 violence, a sex offense, or stalking.

21 26. "Victim of domestic violence" means an individual who is a victim
22 of an act which would constitute a family offense pursuant to subdivi-
23 sion one of section eight hundred twelve of the family court act.

24 27. "Victim of a sex offense" means an individual who is a victim of
25 an act or acts that would constitute a violation of article one hundred
26 thirty of the penal law.

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

LBD05978-01-3

1 28. "Victim of stalking" means an individual who is a victim of an act
2 or acts that would constitute a violation of section 120.45, 120.50,
3 120.55, or 120.60 of the penal law.

4 § 2. Section 204 of the workers' compensation law is amended by adding
5 a new subdivision 3 to read as follows:

6 3. Notwithstanding any provision of law to the contrary, the weekly
7 benefit for family leave taken pursuant to paragraph (d) of subdivision
8 fifteen of section two hundred one of this article shall not exceed two
9 weeks during any fifty-two week calendar period and shall be sixty-seven
10 percent of the employee's average weekly wages but shall not exceed
11 sixty-seven percent of the New York state average weekly wage.

12 § 3. The workers' compensation law is amended by adding a new section
13 204-a to read as follows:

14 § 204-a. Additional unpaid leave for victims of domestic or sexual
15 abuse. In addition to any leave taken by a victim of domestic or sexual
16 abuse pursuant to section two hundred four of this article, an eligible
17 employee may take an additional two weeks of unpaid leave during any
18 fifty-two week calendar period. An employee taking unpaid leave pursuant
19 to the provisions of this section shall otherwise be treated as any
20 other covered employee for the purposes of this chapter.

21 § 4. The department of financial services is authorized to take into
22 account the provisions of this act when determining the maximum employee
23 contribution for the paid family leave program pursuant to article nine
24 of the workers' compensation law.

25 § 5. This act shall take effect immediately; provided, however, that
26 section three of this act shall take effect on January 1, 2025 and
27 provided, further, that section two of this act shall take effect on
28 January 1, 2026.