

# STATE OF NEW YORK

5991

2025-2026 Regular Sessions

## IN SENATE

March 4, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to requiring employers provide its employees with paid leave

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

1 Section 1. This act shall be known and may be cited as the "let  
2 employees access vacation time easily (LEAVE) act".

3 § 2. Section 196-b of the labor law, as added by section 1 of part J  
4 of chapter 56 of the laws of 2020, subdivision 2, paragraph a of subdi-  
5 vision 5, subdivisions 7 and 10 as amended and subdivision 4-a as added  
6 by section 1 of part M of chapter 55 of the laws of 2024, is amended to  
7 read as follows:

8 § 196-b. [~~sick~~] Paid sick leave and paid leave requirements. 1. Every  
9 employer shall be required to provide its employees with sick leave and  
10 paid leave as follows:

11 a. For employers with four or fewer employees in any calendar year,  
12 each employee shall be provided with up to forty hours of unpaid sick  
13 leave in each calendar year; provided, however, an employer that employs  
14 four or fewer employees in any calendar year and that has a net income  
15 of greater than one million dollars in the previous tax year shall  
16 provide each employee with up to forty hours of paid sick leave and  
17 forty hours of paid leave pursuant to this section;

18 b. For employers with between five and ninety-nine employees in any  
19 calendar year, each employee shall be provided with up to forty hours of  
20 paid sick leave and forty hours of paid leave in each calendar year; and

21 c. For employers with one hundred or more employees in any calendar  
22 year, each employee shall be provided with up to fifty-six hours of paid  
23 sick leave and forty hours of paid leave each calendar year.

24 For purposes of determining the number of employees pursuant to this  
25 subdivision, a calendar year shall mean the twelve-month period from  
26 January first through December thirty-first. For all other purposes, a  
27 calendar year shall either mean the twelve-month period from January

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

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1 first through December thirty-first, or a regular and consecutive  
2 twelve-month period, as determined by an employer.

3 2. Nothing in this section shall be construed to prohibit or prevent  
4 an employer from providing an amount of sick leave, paid or unpaid, paid  
5 leave, or paid prenatal personal leave which is in excess of the  
6 requirements set forth in subdivision one and subdivision four-a of this  
7 section, or from adopting a paid leave policy that provides additional  
8 benefits to employees. An employer may elect to provide its employees  
9 with the total amount of sick leave and paid leave required to fulfill  
10 its obligations pursuant to subdivision one of this section at the  
11 beginning of the calendar year, provided, however that no employer shall  
12 be permitted to reduce or revoke any such sick leave or paid leave based  
13 on the number of hours actually worked by an employee during the calen-  
14 dar year if such employer elects pursuant to this subdivision.

15 3. Employees shall accrue sick leave and paid leave at a rate of not  
16 less than one hour per every thirty hours worked, beginning at the  
17 commencement of employment or the effective date of this section, which-  
18 ever is later, subject to the use and accrual limitations set forth in  
19 this section.

20 4. a. On and after January first, two thousand [~~twenty-one~~] twenty-  
21 seven and upon the oral or written request of an employee, an employer  
22 shall provide accrued sick leave for the following purposes:

23 (i) for a mental or physical illness, injury, or health condition of  
24 such employee or such employee's family member, regardless of whether  
25 such illness, injury, or health condition has been diagnosed or requires  
26 medical care at the time that such employee requests such leave;

27 (ii) for the diagnosis, care, or treatment of a mental or physical  
28 illness, injury or health condition of, or need for medical diagnosis  
29 of, or preventive care for, such employee or such employee's family  
30 member; or

31 (iii) for an absence from work due to any of the following reasons  
32 when the employee or employee's family member has been the victim of  
33 domestic violence pursuant to subdivision thirty-four of section two  
34 hundred ninety-two of the executive law, a family offense, sexual  
35 offense, stalking, or human trafficking:

36 (a) to obtain services from a domestic violence shelter, rape crisis  
37 center, or other services program;

38 (b) to participate in safety planning, temporarily or permanently  
39 relocate, or take other actions to increase the safety of the employee  
40 or employee's family members;

41 (c) to meet with an attorney or other social services provider to  
42 obtain information and advice on, and prepare for or participate in any  
43 criminal or civil proceeding;

44 (d) to file a complaint or domestic incident report with law enforce-  
45 ment;

46 (e) to meet with a district attorney's office;

47 (f) to enroll children in a new school; or

48 (g) to take any other actions necessary to ensure the health or safety  
49 of the employee or the employee's family member or to protect those who  
50 associate or work with the employee.

51 For purposes of this subdivision, the reasons outlined above in  
52 [~~subparagraph~~] clauses (a) through (g) of this subparagraph must be  
53 related to the domestic violence, family offense, sexual offense, stalk-  
54 ing, or human trafficking. Provided further that a person who has  
55 committed such domestic violence, family offense, sexual offense, stalk-  
56 ing, or human trafficking shall not be eligible for leave under this

1 subdivision for situations in which the person committed such offense  
2 and was not a victim, notwithstanding any family relationship.

3 b. For purposes of this section, "family member" shall mean an employ-  
4 ee's child, spouse, domestic partner, parent, sibling, grandchild or  
5 grandparent; and the child or parent of an employee's spouse or domestic  
6 partner. "Parent" shall mean a biological, foster, step- or adoptive  
7 parent, or a legal guardian of an employee, or a person who stood in  
8 loco parentis when the employee was a minor child. "Child" shall mean a  
9 biological, adopted or foster child, a legal ward, or a child of an  
10 employee standing in loco parentis.

11 4-a. In addition to the sick leave and paid leave provided for in this  
12 section, on and after January first, two thousand twenty-five, every  
13 employer shall be required to provide to its employees twenty hours of  
14 paid prenatal personal leave during any fifty-two week calendar period.  
15 Paid prenatal personal leave shall mean leave taken for the health care  
16 services received by an employee during their pregnancy or related to  
17 such pregnancy, including physical examinations, medical procedures,  
18 monitoring and testing, and discussions with a health care provider  
19 related to the pregnancy. Paid prenatal personal leave may be taken in  
20 hourly increments. Benefits for paid prenatal personal leave shall be  
21 paid in hourly installments. Employees shall receive compensation at the  
22 employee's regular rate of pay, or the applicable minimum wage estab-  
23 lished pursuant to section six hundred fifty-two of this chapter, which-  
24 ever is greater, for the use of paid prenatal personal leave. Nothing  
25 in this section shall be construed to require an employer to pay an  
26 employee for unused paid prenatal leave upon such employee's termi-  
27 nation, resignation, retirement, or other separation from employment.

28 5. a. An employer may not require the disclosure of confidential  
29 information relating to a mental or physical illness, injury, or health  
30 condition of such employee or such employee's family member, or informa-  
31 tion relating to absence from work due to domestic violence, a sexual  
32 offense, stalking, or human trafficking, as a condition of providing  
33 sick leave, paid leave, or paid prenatal personal leave pursuant to this  
34 section.

35 b. An employer may set a reasonable minimum increment [~~for the use of~~  
36 ~~sick leave which shall~~] not to exceed four hours of paid leave per day  
37 or paid sick leave per day. If a covered employee's scheduled workday is  
38 less than the minimum increments above, the minimum increment of time  
39 shall not exceed the covered employee's regular scheduled workday.  
40 Employees shall receive compensation at [~~his or her~~] such employee's  
41 regular rate of pay, or the applicable minimum wage established pursuant  
42 to section six hundred fifty-two of this chapter, whichever is greater,  
43 for the use of paid sick leave or paid leave.

44 6. An employee's unused sick leave and paid leave shall be carried  
45 over to the following calendar year, provided, however, that: (i) an  
46 employer with fewer than one hundred employees may limit the use of sick  
47 leave to forty hours per calendar year and up to forty hours of paid  
48 leave; and (ii) an employer with one hundred or more employees may limit  
49 the use of sick leave to fifty-six hours per calendar year and forty  
50 hours of paid leave per calendar year. Nothing in this section shall be  
51 construed to require an employer to pay an employee for unused sick  
52 leave or paid leave upon such employee's termination, resignation,  
53 retirement, or other separation from employment.

54 7. No employer or their agent, or the officer or agent of any corpo-  
55 ration, partnership, or limited liability company, or any other person,  
56 shall discharge, threaten, penalize, or in any other manner discriminate

1 or retaliate against any employee because such employee has exercised  
2 their rights afforded under this section, including, but not limited to,  
3 requesting sick leave, paid leave, or paid prenatal leave and using sick  
4 leave, paid leave, or paid prenatal leave, consistent with the  
5 provisions of section two hundred fifteen of this chapter.

6 8. An employer shall not be required to provide any additional sick  
7 leave or paid leave pursuant to this section if the employer has adopted  
8 a sick leave policy or paid time off policy that provides employees with  
9 an amount of leave which meets or exceeds the requirements set forth in  
10 subdivision one of this section and satisfies the accrual, carryover,  
11 and use requirements of this section.

12 9. Nothing in this section shall be construed to: a. prohibit a  
13 collective bargaining agreement entered into, on or after the effective  
14 date of this section from, in lieu of the leave provided for in this  
15 section, providing a comparable benefit for the employees covered by  
16 such agreement in the form of paid days off; such paid days off shall be  
17 in the form of leave, compensation, other employee benefits, or some  
18 combination thereof; or

19 b. impede, infringe, or diminish the ability of a certified collective  
20 bargaining agent to negotiate the terms and conditions of sick leave  
21 different from the provisions of this section.

22 Provided, however, that in the case of either paragraph a or b of this  
23 subdivision, the agreement must specifically acknowledge the provisions  
24 of this section.

25 10. Upon return to work following any sick leave, paid leave, or paid  
26 prenatal leave taken pursuant to this section, an employee shall be  
27 restored by their employer to the position of employment held by such  
28 employee prior to any sick leave or paid prenatal leave taken pursuant  
29 to this section with the same pay and other terms and conditions of  
30 employment.

31 11. Upon the oral or written request of an employee, an employer shall  
32 provide a summary of the amounts of sick leave and paid leave accrued  
33 and used by such employee in the current calendar year and/or any previ-  
34 ous calendar year. The employer shall provide such information to the  
35 employee within three business days of such request.

36 12. Nothing in this section shall be construed to prevent a city with  
37 a population of one million or more from enacting and enforcing local  
38 laws or ordinances which meet or exceed the standard or requirements for  
39 minimum hour and use set forth in this section, as determined by the  
40 commissioner. Any paid sick leave or paid leave benefits provided by a  
41 sick leave or paid leave program enforced by a municipal corporation in  
42 effect as of the effective date of this section shall not be diminished  
43 or limited as a result of the enactment of this section.

44 13. The commissioner shall have authority to adopt regulations and  
45 issue guidance to effectuate any of the provisions of this section.  
46 Employers shall comply with regulations and guidance promulgated by the  
47 commissioner for this purpose which may include but are not limited to  
48 standards for the accrual, use, payment, and employee eligibility of  
49 sick leave.

50 14. The department shall conduct a public awareness outreach campaign  
51 which shall include making information available on its website and  
52 otherwise informing employers and employees of the provisions of this  
53 section.

54 § 3. This act shall take effect immediately.