

# STATE OF NEW YORK

7598

2025-2026 Regular Sessions

## IN SENATE

April 23, 2025

Introduced by Sen. CLEARE -- 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 requirements for sick leave and the provision of certain employee benefits when such employee is subject to a mandatory or precautionary order of medically-necessary quarantine or isolation

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

1 Section 1. The workers' compensation law is amended by adding a new  
2 section 203-d to read as follows:

3 § 203-d. Paid family leave for medically-necessary quarantine or  
4 isolation. 1. (a) For all employers, each employee who is subject to a  
5 mandatory or precautionary order of medically-necessary quarantine or  
6 isolation issued by the department of health shall be provided with at  
7 least five days of paid sick leave and unpaid leave until the termi-  
8 nation of any mandatory or precautionary order of medically-necessary  
9 quarantine or isolation. After such five days of paid sick leave, an  
10 employee shall be eligible for paid family leave benefits and benefits  
11 due to disability pursuant to this section.

12 (b) Each employee shall be compensated at their regular rate of pay  
13 for those regular work hours during which such employee is absent from  
14 work due to a mandatory or precautionary order of medically-necessary  
15 quarantine or isolation.

16 (c) Such leave shall be provided without loss of an employee's accrued  
17 sick leave.

18 2. For purposes of this section, the following terms shall have the  
19 following meanings:

20 (a) "Disability" shall mean: (i) any inability of an employee to  
21 perform the regular duties of their employment or the duties of any  
22 other employment which their employer may offer such employee as a  
23 result of a mandatory or precautionary order of medically-necessary

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

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1 quarantine or isolation issued by the department of health; and (ii)  
2 when the employee has exhausted all paid sick leave provided by the  
3 employee's employer under this section.

4 (b) "Family leave" shall mean: (i) any leave taken by an employee from  
5 work when an employee is subject to a mandatory or precautionary order  
6 of medically-necessary quarantine or isolation issued by the department  
7 of health; or (ii) to provide care for a minor dependent child of the  
8 employee who is subject to a mandatory or precautionary order of medi-  
9 cally-necessary quarantine or isolation issued by the department of  
10 health.

11 (c) "Mandatory or precautionary order of medically-necessary quaran-  
12 tine or isolation" shall mean a mandatory or precautionary order of  
13 quarantine or isolation issued by the department of health due to an  
14 outbreak of contagious disease.

15 (d) "Risk adjustment pool" shall mean the process used to stabilize  
16 member claims pursuant to this section in order to protect insurers from  
17 disproportionate adverse risks.

18 3. Upon return to work following leave taken pursuant to this section,  
19 an employee shall be restored by their employer to the position of  
20 employment held by the employee prior to any leave taken pursuant to  
21 this section with the same pay and other terms and conditions of employ-  
22 ment. No employer or their agent, or the officer or agent of any corpo-  
23 ration, partnership, or limited liability company, or any other person,  
24 shall discharge, threaten, penalize, or in any other manner discriminate  
25 or retaliate against any employee because such employee has taken leave  
26 pursuant to this section.

27 4. The commissioner of the department of labor shall have authority to  
28 adopt regulations, including emergency regulations, and issue guidance  
29 to effectuate any of the provisions of this section. Employers shall  
30 comply with regulations promulgated by the commissioner of the depart-  
31 ment of labor for this purpose, which may include, but is not limited  
32 to, standards for the use, payment, and employee eligibility of sick  
33 leave pursuant to this section.

34 5. Notwithstanding any other provision of law, and for purposes of  
35 this section:

36 (a) Disability and family leave benefits pursuant to this section may  
37 be payable concurrently to an eligible employee upon the first full day  
38 of an unpaid period of mandatory or precautionary order of medically-ne-  
39 cessary quarantine or isolation issued by the department of health.

40 (b) The maximum weekly benefit which the employee is entitled to  
41 receive for benefits due to disability pursuant to this section only  
42 shall be the difference between the maximum weekly family leave benefit  
43 and such employee's total average weekly wage from each covered employ-  
44 er.

45 6. Notwithstanding subdivision one of section two hundred four of this  
46 article, disability benefits payable pursuant to this section shall be  
47 payable on the first day of disability.

48 7. A mandatory or precautionary order of quarantine or isolation  
49 issued by the department of health shall be sufficient proof of disabil-  
50 ity or proof of need for family leave taken pursuant to this section.

51 8. The provisions of this section shall not apply in cases where an  
52 employee is deemed asymptomatic or has not yet been diagnosed with any  
53 medical condition and is physically able to work while under a mandatory  
54 or precautionary order of medically-necessary quarantine or isolation,  
55 whether through remote access or other similar means.

1 9. Nothing in this section shall be deemed to impede, infringe, dimin-  
2 ish or impair the rights of a public employee or employer under any law,  
3 rule, regulation or collectively negotiated agreement, or the rights and  
4 benefits which accrue to employees through collective bargaining agree-  
5 ments, or otherwise diminish the integrity of the existing collective  
6 bargaining relationship, or to prohibit any personnel action which  
7 otherwise would have been taken regardless of any request to use, or  
8 utilization of, any leave provided by this section.

9 10. (a) Notwithstanding any inconsistent provision of law, within one  
10 hundred eighty days of the effective date of this section, the super-  
11 intendent of financial services, in consultation with the director and  
12 the chairperson, shall promulgate regulations necessary for the imple-  
13 mentation of a risk adjustment pool to be administered directly by the  
14 superintendent of financial services, in consultation with the director  
15 and the chairperson.

16 (b) Disproportionate losses of any members of the risk adjustment pool  
17 in excess of threshold limits established by the superintendent of  
18 financial services may be supported, if required by the superintendent  
19 of financial services, by other members of such pool including the state  
20 insurance fund in a proportion to be determined by the superintendent of  
21 financial services. Any such support provided by members of the pool  
22 shall be fully repaid, including reasonable interest, through a mech-  
23 anism and period of time to be determined by the superintendent of  
24 financial services.

25 11. (a) The superintendent of financial services, in consultation with  
26 the director and the chairperson, shall issue two reports assessing the  
27 risk adjustment pool required by subdivision ten of this section.

28 (b) Within two years after the effective date of this section, an  
29 initial report shall be provided to the speaker of the assembly, the  
30 chair of the assembly ways and means committee and the chair of the  
31 assembly labor committee, the temporary president of the senate, the  
32 chair of the senate finance committee, and the chair of the senate labor  
33 committee. Such report shall include: the total number of claims filed  
34 pursuant to this section for (i) family leave benefits, and (ii) bene-  
35 fits due to disability, as a result of a mandatory or precautionary  
36 order of medically-necessary quarantine or isolation; the aggregate  
37 amount of paid family leave claims and disability claims; the total  
38 amount of the claims paid for out of the risk adjustment pool imple-  
39 mented pursuant to subdivision ten of this section; the threshold limits  
40 established by the department of financial services; and any other  
41 information the superintendent of financial services deems necessary to  
42 provide to the legislature.

43 (c) Within five years after the effective date of this section, a  
44 final report shall be provided to the speaker of the assembly, the chair  
45 of the assembly ways and means committee and the chair of the assembly  
46 labor committee, the temporary president of the senate, the chair of the  
47 senate finance committee, and the chair of the senate labor committee.  
48 Such report shall include: the balance of the risk adjustment pool  
49 implemented pursuant to subdivision ten of this section, if any; the  
50 total amount collected through the repayment mechanism established by  
51 the department of financial services, including interest; and any other  
52 information the superintendent of financial services deems necessary to  
53 provide to the legislature. If there exists a balance in the risk  
54 adjustment pool, the final report shall provide a timeline by which  
55 repayment will be completed.

1 12. If at any point while this section shall be in effect the federal  
2 government by law or regulation provides sick leave and/or employee  
3 benefits for employees related to outbreaks of contagious disease, then  
4 the provisions of this section, including, but not limited to, paid sick  
5 leave, paid family leave, and benefits due to disability, shall not be  
6 available to any employee otherwise subject to the provisions of this  
7 section; provided, however, that if the provisions of this section would  
8 have provided sick leave and/or employee benefits in excess of the bene-  
9 fits provided by the federal government by law or regulation, then such  
10 employee shall be able to claim such additional sick leave and/or  
11 employee benefits pursuant to the provisions of this section in an  
12 amount that shall be the difference between the benefits available under  
13 this section and the benefits available to such employee, if any, as  
14 provided by such federal law or regulation.

15 § 2. This act shall take effect on the sixtieth day after it shall  
16 have become a law. Effective immediately, the addition, amendment and/or  
17 repeal of any rule or regulation necessary for the implementation of  
18 this act on its effective date are authorized to be made and completed  
19 on or before such effective date.