STATE OF NEW YORK

8795

IN SENATE

January 8, 2026

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

AN ACT to amend the workers' compensation law, in relation to extending paid family leave benefits to certain construction workers; and to amend a chapter of the laws of 2025 amending the workers' compensation law relating to extending paid family leave benefits, as proposed in legislative bills numbers S. 50 and A. 4727, in relation to the effectiveness thereof

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

Section 1. Section 201 of the workers' compensation law is amended by adding a new subdivision 25 to read as follows:

25. "Construction employee" means employees who perform construction, demolition, reconstruction, excavation, rehabilitation, repairs, renovations, alterations, or improvements for multiple employers pursuant to a collective bargaining agreement.

§ 2. Section 203 of the workers' compensation law, as amended by a chapter of the laws of 2025 amending the workers' compensation law relating to extending paid family leave benefits, as proposed in legislative bills numbers S. 50 and A. 4727, is amended to read as follows:

§ 203. Employees eligible for benefits under section two hundred four of this article. Employees in employment of a covered employer for four or more consecutive weeks and employees in employment during the work period usual to and available during such four or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for disability benefits as provided in section two hundred four of this article. Employees in employment of a covered employer for twenty-six or more consecutive weeks and employees in employment during the work period usual to and available during such twenty-six or more consecutive weeks in any trade or business in which they are regularly employed and in which hiring from day to day of such employees is the usual employment practice shall be eligible for family leave benefits as provided in section two hundred four of this article.

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

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For purposes of this article, construction employees [~~who perform construction, demolition, reconstruction, excavation, rehabilitation, repairs, renovations, alterations, or improvements for multiple employers pursuant to a collective bargaining agreement~~] shall be eligible for family leave benefits with the covered employer immediately preceding the period of family leave if [~~they were employed~~] the employee was in employment and worked the employer's normal work week for at least twenty-six of the last thirty-nine weeks [~~by~~] with any covered employer which is signatory to a collective bargaining agreement. Every such employee shall continue to be eligible for family leave benefits only during employment with a covered employer. Every such employee shall continue to be eligible for disability benefits during such employment and for a period of four weeks after such employment terminates regardless of whether the employee performs any work for remuneration or profit in non-covered employment. If during such four week period the employee performs any work for remuneration or profit for another covered employer the employee shall become eligible for disability benefits immediately with respect to that employment. In addition every such employee who has previously completed four or more consecutive weeks in employment with the covered employer for purposes of disability benefits, or twenty-six or more consecutive weeks in employment with the covered employer for purposes of paid family leave, and returns to work with the same employer after an agreed and specified unpaid leave of absence or vacation without pay shall become eligible for benefits immediately with respect to such employment. For purposes of this article, construction employees [~~who perform construction, demolition, reconstruction, excavation, rehabilitation, repairs, renovations, alterations, or improvements for multiple employers pursuant to a collective bargaining agreement and~~] who became eligible for paid family leave benefits by working in the employment of a covered employer and worked the employer's normal work week for at least twenty-six of the last thirty-nine weeks, and who return to work after an agreed and specified unpaid leave of absence or vacation without pay with the same or different employer, shall [~~become~~] be immediately eligible for family leave benefits [~~immediately with respect to such employment~~] with the covered employer immediately preceding the period of family leave. In the case of construction employees [~~who perform construction, demolition, reconstruction, excavation, rehabilitation, repairs, renovations, alterations, or improvements for multiple employers pursuant to a collective bargaining agreement~~] who are laid-off and receive unemployment benefits, such employees shall be eligible for family leave benefits with the covered employer immediately preceding the period of family leave upon returning to work if they are otherwise qualified by having worked in the employment of a covered employer and worked the employer's normal work week for at least twenty-six of the last thirty-nine weeks. An employee who during a period in which such employee is eligible to receive benefits under subdivision two of section two hundred seven of this article returns to employment with a covered employer and an employee who is currently receiving unemployment insurance benefits or benefits under section two hundred seven of this article and who returns to employment with a covered employer shall become eligible for disability benefits immediately with respect to such employment. An employee regularly in the employment of a single employer on a work schedule less than the employer's normal work week shall become eligible for disability leave benefits on the twenty-fifth day of such regular employment and for purposes of paid family leave an employer shall become eligible for

benefits on the one hundred seventy-fifth day of such regular employment. An employee who is eligible for disability and family leave benefits in the employment of a covered employer shall not be deemed, for the purposes of this article, to have such employment terminated during any period such employee is eligible to receive benefits under section two hundred four of this article with respect to such employment.

§ 3. Section 203-c of the workers' compensation law, as added by section 4 of part SS of chapter 54 of the laws of 2016, is amended to read as follows:

§ 203-c Health insurance during family leave. In accordance with the Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any period of family leave the employer shall maintain any existing health benefits of the employee in force for the duration of such leave as if the employee had continued to work from the date [~~he or she~~] **such employee** commenced family leave until the date [~~he or she~~] **such employee** returns to employment**. Notwithstanding the foregoing, construction employees shall maintain any existing union health plan or fund benefits in force for the duration of family leave as if the construction employee had continued to work from the date they commenced family leave until the date the construction employee returns to employment. Nothing herein prevents parties to a collective bargaining agreement for construction employees from providing additional terms including, but not limited to, payment of health contributions for such employees on leave time, whether leave time is considered hours worked for purposes of eligibility in the health plan or fund, or other terms that do not conflict with this section**.

§ 4. Section 2 of a chapter of the laws of 2025 amending the workers' compensation law relating to extending paid family leave benefits, as proposed in legislative bills numbers S. 50 and A. 4727, is amended to read as follows:

§ 2. This act shall take effect [~~immediately~~] **January 1, 2027**.

§ 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the workers' compensation law relating to extending paid family leave benefits, as proposed in legislative bills numbers S. 50 and A. 4727, takes effect.