

STATE OF NEW YORK

10811

IN ASSEMBLY

April 1, 2026

Introduced by M. of A. LASHER -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to family leave for persons who perform artistic and culture work

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

1 Section 1. Section 203 of the workers' compensation law, as amended by
2 chapter 72 of the laws of 2026, is amended to read as follows:
3 § 203. Employees eligible for benefits under section two hundred four
4 of this article. (a) Employees in employment of a covered employer for
5 four or more consecutive weeks and employees in employment during the
6 work period usual to and available during such four or more consecutive
7 weeks in any trade or business in which they are regularly employed and
8 in which hiring from day to day of such employees is the usual employ-
9 ment practice shall be eligible for disability benefits as provided in
10 section two hundred four of this article. Employees in employment of a
11 covered employer for twenty-six or more consecutive weeks and employees
12 in employment during the work period usual to and available during such
13 twenty-six or more consecutive weeks in any trade or business in which
14 they are regularly employed and in which hiring from day to day of such
15 employees is the usual employment practice shall be eligible for family
16 leave benefits as provided in section two hundred four of this article.
17 For purposes of this article, [~~construction~~] employees who perform
18 activities listed in subdivision (b) of this section shall be eligible
19 for family leave benefits with the covered employer immediately preced-
20 ing the period of family leave if the employee was in employment and
21 worked the employer's normal work week for at least twenty-six of the
22 last thirty-nine weeks with any covered employer which is signatory to a
23 collective bargaining agreement. Every such employee shall continue to
24 be eligible for family leave benefits only during employment with a
25 covered employer. Every such employee shall continue to be eligible for
26 disability benefits during such employment and for a period of four
27 weeks after such employment terminates regardless of whether the employ-
28 ee performs any work for remuneration or profit in non-covered employ-

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

LBD15163-01-6

1 ment. If during such four week period the employee performs any work for
2 remuneration or profit for another covered employer the employee shall
3 become eligible for disability benefits immediately with respect to that
4 employment. In addition every such employee who has previously completed
5 four or more consecutive weeks in employment with the covered employer
6 for purposes of disability benefits, or twenty-six or more consecutive
7 weeks in employment with the covered employer for purposes of paid fami-
8 ly leave, and returns to work with the same employer after an agreed and
9 specified unpaid leave of absence or vacation without pay shall become
10 eligible for benefits immediately with respect to such employment. For
11 purposes of this article, [~~construction~~] employees who perform activ-
12 ities listed in subdivision (b) of this section and who became eligible
13 for paid family leave benefits by working in the employment of a covered
14 employer and worked the employer's normal work week for at least twen-
15 ty-six of the last thirty-nine weeks, and who return to work after an
16 agreed and specified unpaid leave of absence or vacation without pay
17 with the same or different employer, shall be immediately eligible for
18 family leave benefits with the covered employer immediately preceding
19 the period of family leave. In the case of [~~construction~~] employees who
20 perform activities listed in subdivision (b) of this section and who are
21 laid-off and receive unemployment benefits, such employees shall be
22 eligible for family leave benefits with the covered employer immediately
23 preceding the period of family leave upon returning to work if they are
24 otherwise qualified by having worked in the employment of a covered
25 employer and worked the employer's normal work week for at least twen-
26 ty-six of the last thirty-nine weeks. An employee who during a period
27 in which such employee is eligible to receive benefits under subdivision
28 two of section two hundred seven of this article returns to employment
29 with a covered employer and an employee who is currently receiving unem-
30 ployment insurance benefits or benefits under section two hundred seven
31 of this article and who returns to employment with a covered employer
32 shall become eligible for disability benefits immediately with respect
33 to such employment. An employee regularly in the employment of a single
34 employer on a work schedule less than the employer's normal work week
35 shall become eligible for disability leave benefits on the twenty-fifth
36 day of such regular employment and for purposes of paid family leave an
37 employer shall become eligible for benefits on the one hundred seventy-
38 fifth day of such regular employment. An employee who is eligible for
39 disability and family leave benefits in the employment of a covered
40 employer shall not be deemed, for the purposes of this article, to have
41 such employment terminated during any period such employee is eligible
42 to receive benefits under section two hundred four of this article with
43 respect to such employment.

44 (b) For the purposes of subdivision (a) of this section, activities
45 include:

46 (i) construction, demolition, reconstruction, excavation, rehabili-
47 tation, repairs, renovations, alterations, or improvements; and

48 (ii) artistic and culture work, including, but not limited to, artis-
49 tic and performing personnel, creative and design personnel, technical
50 and production personnel, and front-of-house support personnel engaged
51 in the production or operation of live theatrical or artistic perform-
52 ances.

53 § 2. This act shall take effect on the same date and in the same
54 manner as section 4 of chapter 72 of the laws of 2026, takes effect.