

STATE OF NEW YORK

8950

2025-2026 Regular Sessions

IN ASSEMBLY

July 16, 2025

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

AN ACT to amend the workers' compensation law, in relation to extending paid family leave benefits to members of the New York national guard

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 section 3 of part SS of chapter 54 of the laws of 2016, is amended to
3 read as follows:

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

18 For purposes of this article, any person enlisted, appointed, or commis-
19 sioned to be a part of the New York army national guard or the New York
20 air national guard for twenty-six or more consecutive weeks shall be
21 eligible for family leave benefits. Every such employee shall continue
22 to be eligible for family leave benefits only during employment with a
23 covered employer. Every such employee shall continue to be eligible for
24 disability benefits during such employment and for a period of four
25 weeks after such employment terminates regardless of whether the employ-

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

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1 ee performs any work for remuneration or profit in non-covered employ-
2 ment. If during such four week period the employee performs any work for
3 remuneration or profit for another covered employer the employee shall
4 become eligible for disability benefits immediately with respect to that
5 employment. In addition every such employee who has previously completed
6 four or more consecutive weeks in employment with the covered employer
7 for purposes of disability benefits, or twenty-six or more consecutive
8 weeks in employment with the covered employer for purposes of paid fami-
9 ly leave, and returns to work with the same employer after an agreed and
10 specified unpaid leave of absence or vacation without pay shall become
11 eligible for benefits immediately with respect to such employment. For
12 purposes of this article, any person enlisted, appointed, or commis-
13 sioned to be a part of the New York army national guard or the New York
14 air national guard and who became eligible for paid family leave bene-
15 fits by being enlisted, appointed, or commissioned for at least twenty-
16 six of the prior thirty-nine weeks, and who returns to such enlistment,
17 appointment, or commission after an agreed and specified unpaid leave of
18 absence or vacation without pay with the New York army national guard or
19 the New York air national guard shall become eligible for family leave
20 benefits immediately with respect to such enlistment, appointment, or
21 commission. An employee who during a period in which [~~he or she~~] such
22 employee is eligible to receive benefits under subdivision two of
23 section two hundred seven of this article returns to employment with a
24 covered employer and an employee who is currently receiving unemployment
25 insurance benefits or benefits under section two hundred seven of this
26 article and who returns to employment with a covered employer shall
27 become eligible for disability benefits immediately with respect to such
28 employment. An employee regularly in the employment of a single employer
29 on a work schedule less than the employer's normal work week shall
30 become eligible for disability leave benefits on the twenty-fifth day of
31 such regular employment and for purposes of paid family leave an employ-
32 er shall become eligible for benefits on the one hundred seventy-fifth
33 day of such regular employment. An employee who is eligible for disabil-
34 ity and family leave benefits in the employment of a covered employer
35 shall not be deemed, for the purposes of this article, to have such
36 employment terminated during any period [~~he or she~~] such employee is
37 eligible to receive benefits under section two hundred four of this
38 article with respect to such employment.

39 § 2. This act shall take effect immediately.