

STATE OF NEW YORK

8950--A

2025-2026 Regular Sessions

IN ASSEMBLY

July 16, 2025

Introduced by M. of A. JENSEN -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 chapter 651 of the laws of 2025, is amended to read as follows:

3 § 203. Employees eligible for benefits under section two hundred four
4 of this article. Employees in employment of a covered employer for four
5 or more consecutive weeks and employees in employment during the work
6 period usual to and available during such four or more consecutive weeks
7 in any trade or business in which they are regularly employed and in
8 which hiring from day to day of such employees is the usual employment
9 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, any person enlisted, appointed, or commis-
18 sioned to be a part of the New York army national guard or the New York
19 air national guard for twenty-six or more consecutive weeks shall be
20 eligible for family leave benefits. For purposes of this article,
21 employees who perform construction, demolition, reconstruction, exca-
22 vation, rehabilitation, repairs, renovations, alterations, or improve-
23 ments for multiple employers pursuant to a collective bargaining agree-

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

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1 ment shall be eligible for family leave benefits if they were employed
2 for at least twenty-six of the last thirty-nine weeks by any covered
3 employer which is signatory to a collective bargaining agreement. Every
4 such employee shall continue to be eligible for family leave benefits
5 only during employment with a covered employer. Every such employee
6 shall continue to be eligible for disability benefits during such
7 employment and for a period of four weeks after such employment termi-
8 nates regardless of whether the employee performs any work for remunera-
9 tion or profit in non-covered employment. If during such four week peri-
10 od the employee performs any work for remuneration or profit for another
11 covered employer the employee shall become eligible for disability bene-
12 fits immediately with respect to that employment. In addition every such
13 employee who has previously completed four or more consecutive weeks in
14 employment with the covered employer for purposes of disability bene-
15 fits, or twenty-six or more consecutive weeks in employment with the
16 covered employer for purposes of paid family leave, and returns to work
17 with the same employer after an agreed and specified unpaid leave of
18 absence or vacation without pay shall become eligible for benefits imme-
19 diately with respect to such employment. For purposes of this article,
20 any person enlisted, appointed, or commissioned to be a part of the New
21 York army national guard or the New York air national guard and who
22 became eligible for paid family leave benefits by being enlisted,
23 appointed, or commissioned for at least twenty-six of the prior thirty-
24 nine weeks, and who returns to such enlistment, appointment, or commis-
25 sion after an agreed and specified unpaid leave of absence or vacation
26 without pay with the New York army national guard or the New York air
27 national guard shall become eligible for family leave benefits imme-
28 diately with respect to such enlistment, appointment, or commission. For
29 purposes of this article, employees who perform construction, demoli-
30 tion, reconstruction, excavation, rehabilitation, repairs, renovations,
31 alterations, or improvements for multiple employers pursuant to a
32 collective bargaining agreement and who became eligible for paid family
33 leave benefits by working at least twenty-six of the last thirty-nine
34 weeks, and who return to work after an agreed and specified unpaid leave
35 of absence or vacation without pay with the same or different employer
36 shall become eligible for family leave benefits immediately with respect
37 to such employment. In the case of employees who perform construction,
38 demolition, reconstruction, excavation, rehabilitation, repairs, reno-
39 vations, alterations, or improvements for multiple employers pursuant to
40 a collective bargaining agreement who are laid-off and receive unemploy-
41 ment benefits, such employees shall be eligible for family leave bene-
42 fits upon returning to work if they are otherwise qualified by having
43 worked at least twenty-six of the last thirty-nine weeks. An employee
44 who during a period in which such employee is eligible to receive bene-
45 fits under subdivision two of section two hundred seven of this article
46 returns to employment with a covered employer and an employee who is
47 currently receiving unemployment insurance benefits or benefits under
48 section two hundred seven of this article and who returns to employment
49 with a covered employer shall become eligible for disability benefits
50 immediately with respect to such employment. An employee regularly in
51 the employment of a single employer on a work schedule less than the
52 employer's normal work week shall become eligible for disability leave
53 benefits on the twenty-fifth day of such regular employment and for
54 purposes of paid family leave an employer shall become eligible for
55 benefits on the one hundred seventy-fifth day of such regular employ-
56 ment. An employee who is eligible for disability and family leave bene-

1 fits in the employment of a covered employer shall not be deemed, for
2 the purposes of this article, to have such employment terminated during
3 any period such employee is eligible to receive benefits under section
4 two hundred four of this article with respect to such employment.
5 § 2. This act shall take effect immediately.