

STATE OF NEW YORK

50

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. COMRIE, HARCKHAM, JACKSON, RAMOS -- 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 extending paid family leave benefits

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, employees who perform construction, demo-
19 lition, reconstruction, excavation, rehabilitation, repairs, reno-
20 vations, alterations, or improvements for multiple employers pursuant to
21 a collective bargaining agreement shall be eligible for family leave
22 benefits if they were employed for at least twenty-six of the last thir-
23 ty-nine weeks by any covered employer which is signatory to a collective

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

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1 bargaining agreement. Every such employee shall continue to be eligible
2 for family leave benefits only during employment with a covered employ-
3 er. Every such employee shall continue to be eligible for disability
4 benefits during such employment and for a period of four weeks after
5 such employment terminates regardless of whether the employee performs
6 any work for remuneration or profit in non-covered employment. If during
7 such four week period the employee performs any work for remuneration or
8 profit for another covered employer the employee shall become eligible
9 for disability benefits immediately with respect to that employment. In
10 addition every such employee who has previously completed four or more
11 consecutive weeks in employment with the covered employer for purposes
12 of disability benefits, or twenty-six or more consecutive weeks in
13 employment with the covered employer for purposes of paid family leave,
14 and returns to work with the same employer after an agreed and specified
15 unpaid leave of absence or vacation without pay shall become eligible
16 for benefits immediately with respect to such employment. For purposes
17 of this article, employees who perform construction, demolition, recon-
18 struction, excavation, rehabilitation, repairs, renovations, alter-
19 ations, or improvements for multiple employers pursuant to a collective
20 bargaining agreement and who became eligible for paid family leave bene-
21 fits by working at least twenty-six of the last thirty-nine weeks, and
22 who return to work after an agreed and specified unpaid leave of absence
23 or vacation without pay with the same or different employer shall become
24 eligible for family leave benefits immediately with respect to such
25 employment. In the case of employees who perform construction, demoli-
26 tion, reconstruction, excavation, rehabilitation, repairs, renovations,
27 alterations, or improvements for multiple employers pursuant to a
28 collective bargaining agreement who are laid-off and receive unemploy-
29 ment benefits, such employees shall be eligible for family leave bene-
30 fits upon returning to work if they are otherwise qualified by having
31 worked at least twenty-six of the last thirty-nine weeks. An employee
32 who during a period in which [~~he or she~~] such employee is eligible to
33 receive benefits under subdivision two of section two hundred seven of
34 this article returns to employment with a covered employer and an
35 employee who is currently receiving unemployment insurance benefits or
36 benefits under section two hundred seven of this article and who returns
37 to employment with a covered employer shall become eligible for disabil-
38 ity benefits immediately with respect to such employment. An employee
39 regularly in the employment of a single employer on a work schedule less
40 than the employer's normal work week shall become eligible for disabili-
41 ty leave benefits on the twenty-fifth day of such regular employment and
42 for purposes of paid family leave an employer shall become eligible for
43 benefits on the one hundred seventy-fifth day of such regular employ-
44 ment. An employee who is eligible for disability and family leave bene-
45 fits in the employment of a covered employer shall not be deemed, for
46 the purposes of this article, to have such employment terminated during
47 any period [~~he or she~~] such employee is eligible to receive benefits
48 under section two hundred four of this article with respect to such
49 employment.

50 § 2. This act shall take effect immediately.