

# STATE OF NEW YORK

8727

## IN SENATE

January 7, 2026

Introduced by Sen. C. RYAN -- 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 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-  
24 ment shall be eligible for family leave benefits if they were employed  
25 for at least twenty-six of the last thirty-nine weeks by any covered  
26 employer which is signatory to a collective bargaining agreement. Every  
27 such employee shall continue to be eligible for family leave benefits  
28 only during employment with a covered employer. Every such employee

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

LBD13383-03-6

1 shall continue to be eligible for disability benefits during such  
2 employment and for a period of four weeks after such employment termi-  
3 nates regardless of whether the employee performs any work for remunera-  
4 tion or profit in non-covered employment. If during such four week peri-  
5 od the employee performs any work for remuneration or profit for another  
6 covered employer the employee shall become eligible for disability bene-  
7 fits immediately with respect to that employment. In addition every such  
8 employee who has previously completed four or more consecutive weeks in  
9 employment with the covered employer for purposes of disability bene-  
10 fits, or twenty-six or more consecutive weeks in employment with the  
11 covered employer for purposes of paid family leave, and returns to work  
12 with the same employer after an agreed and specified unpaid leave of  
13 absence or vacation without pay shall become eligible for benefits imme-  
14 diately with respect to such employment. For purposes of this article,  
15 any person enlisted, appointed, or commissioned to be a part of the New  
16 York army national guard or the New York air national guard and who  
17 became eligible for paid family leave benefits by being enlisted,  
18 appointed, or commissioned for at least twenty-six of the prior thirty-  
19 nine weeks, and who returns to such enlistment, appointment, or commis-  
20 sion after an agreed and specified unpaid leave of absence or vacation  
21 without pay with the New York army national guard or the New York air  
22 national guard shall become eligible for family leave benefits imme-  
23 diately with respect to such enlistment, appointment, or commission. For  
24 purposes of this article, employees who perform construction, demoli-  
25 tion, reconstruction, excavation, rehabilitation, repairs, renovations,  
26 alterations, or improvements for multiple employers pursuant to a  
27 collective bargaining agreement and who became eligible for paid family  
28 leave benefits by working at least twenty-six of the last thirty-nine  
29 weeks, and who return to work after an agreed and specified unpaid leave  
30 of absence or vacation without pay with the same or different employer  
31 shall become eligible for family leave benefits immediately with respect  
32 to such employment. In the case of employees who perform construction,  
33 demolition, reconstruction, excavation, rehabilitation, repairs, reno-  
34 vations, alterations, or improvements for multiple employers pursuant to  
35 a collective bargaining agreement who are laid-off and receive unemploy-  
36 ment benefits, such employees shall be eligible for family leave bene-  
37 fits upon returning to work if they are otherwise qualified by having  
38 worked at least twenty-six of the last thirty-nine weeks. An employee  
39 who during a period in which such employee is eligible to receive bene-  
40 fits under subdivision two of section two hundred seven of this article  
41 returns to employment with a covered employer and an employee who is  
42 currently receiving unemployment insurance benefits or benefits under  
43 section two hundred seven of this article and who returns to employment  
44 with a covered employer shall become eligible for disability benefits  
45 immediately with respect to such employment. An employee regularly in  
46 the employment of a single employer on a work schedule less than the  
47 employer's normal work week shall become eligible for disability leave  
48 benefits on the twenty-fifth day of such regular employment and for  
49 purposes of paid family leave an employer shall become eligible for  
50 benefits on the one hundred seventy-fifth day of such regular employ-  
51 ment. An employee who is eligible for disability and family leave bene-  
52 fits in the employment of a covered employer shall not be deemed, for  
53 the purposes of this article, to have such employment terminated during  
54 any period such employee is eligible to receive benefits under section  
55 two hundred four of this article with respect to such employment.

56 § 2. This act shall take effect immediately.