



**New York State YMCA**  
**Youth And Government**

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**FOR YOUTH DEVELOPMENT®**  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 4

Bill #:AF-26

1 **Sponsors:** Genevieve Greene, Lealah Greene

2  
3 **An Act To** Amend §201 of New York State Workers Compensation to include  
4 teachers and employees of school districts as eligible employees for paid parental  
5 leave.

6  
7 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

8  
9 **Purpose** The purpose of this bill is to change employee eligibility for paid parental  
10 leave to include teachers and employees of school districts.

11  
12 **Summary of Provisions**

13 **Section 1: Definitions**

14 Parental Leave: An available employee benefit in the United States. Includes  
15 paternity leave, maternity leave, and adoption leave. Also known as family leave.

16  
17 **Section 2:**

18 5. "Employee" means a person engaged in the service of an employer in any  
19 employment defined in subdivision six of this section, except a minor child of the  
20 employer, except a duly ordained, commissioned, or licensed minister, priest or  
21 rabbi, a sexton, a christian science reader, or member of a religious order, or an  
22 executive officer of a corporation who at all times during the period involved owns  
23 all of the issued and outstanding stock of the corporation and holds all of the offices  
24 pursuant to paragraph (e) of section seven hundred fifteen of the business  
25 corporation law or two executive officers of a corporation who at all times during  
26 the period involved between them own all of the issued and outstanding stock of  
27 such corporation and hold all such offices provided, however, that each officer must  
28 own at least one share of stock, except as provided in section two hundred twelve  
29 of this article, or an executive officer of an incorporated religious, charitable or  
30 educational institution, ~~or persons engaged in a professional or teaching capacity in~~  
31 ~~or for a religious, charitable or educational institution, or volunteers in or for a~~  
32 ~~religious, charitable or educational institution, or persons participating in and~~  
33 ~~receiving rehabilitative services in a sheltered workshop operated by a religious,~~  
34 ~~charitable or educational institution under a certificate issued by the United States~~  
35 ~~department of labor,~~ or recipients of charitable aid from a religious or charitable  
36 institution who perform work in or for the institution which is incidental to or in  
37 return for the aid conferred, and not under an express contract of hire. The terms  
38 "religious, charitable or educational institution" mean a corporation, unincorporated



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39 association, community chest, fund or foundation organized and operated  
40 exclusively for religious, charitable or educational purposes, no part of the net  
41 earnings of which inure to the benefit of any private shareholder or individual.

42

43 **Justification**

44 Every year thousands of teachers in the nation are denied paid parental  
45 leave. FMLA laws only protect job security and entitle employees to unpaid leave.  
46 Paid leave is a states rights issue. New York requires paid leave for most every  
47 employee whether employed privately or publicly. Several other state employees  
48 are given paid parental leave under Workers Compensation Article 9 Section 204,  
49 however teachers are still denied the ability to work and have a family.

50

51 **Fiscal Implications**

52 Taxing the Fantasy football 10% out of the average \$3.6 billion dollars made  
53 annually will provide the state will \$36 million dollars to create a new workers  
54 compensation fund specifically for teachers in New York State.

55

56 **Environmental Implications**

57 Employees will feel freer to start families. More children will be born, leading to an  
58 increase in the population of New York.

59

60 **Effective Date**

61 January 1<sup>st</sup>, 2021