Regulatory Impact Statement for changes to 12 NYCRR

1. Statutory Authority: Workers' Compensation Law (WCL) §117(1) and 142 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL, and bill A9466/S8795 was signed in February 2026 (and takes effect January 1, 2027) providing a new timeline eligibility for certain construction employees, necessitating changes to the regulations.

2. Legislative Objectives: The changes in bill A9466/S8795 provide that construction employees will be eligible for Paid Family Leave (PFL) with the covered employer immediately preceding the period of family leave if the employee was in employment and worked the employer's normal work week for at least 26 of the last 39 weeks with a covered employer that is signatory to a collective bargaining agreement. The proposal seeks to help implement that law by accounting for this new eligibility standard in the existing regulations and provide clarity and context for this bill.

3. Needs and Benefits:

The proposal seeks to help implement the PFL construction bill, which provided a basic framework and adds a new eligibility standard. The current PFL regulations need to be updated to reflect this new standard, and the bulk of the changes are simply to conform to the bill and the new eligibility standard for construction employees.

The proposal updates language in the definitions, eligibility, and waiver sections to implement the PFL construction bill. It also provides clarity on the meaning of "employer's normal work week" as mentioned in the bill and removes references to the PFL-1 form name, as the new eligibility standard will require updated forms to reflect a different timeline and standard for construction employees gaining eligibility and applying for PFL. These changes provide clarity and help ensure a smooth implementation of the bill adding this new eligibility standard.

4. Costs: The proposed amendment is anticipated to have modest impact on costs; the proposed regulations implement the bill which does not add a qualifying event for PFL, but adds a new eligibility

standard for PFL for certain construction employees. Carriers who program forms into their systems will need to do some updating, but the change does not impact a new pool of employers, as the employees must be in the employment of a covered employer who is signatory to a collective bargaining agreement. The implementation costs for the agency and state and local governments are expected to be minimal, as public employers are not subject to the PFL law, but forms and some fact sheets will need to updated by the Board as a result of the statutory change.

5. Local government mandates: The proposed amendments do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork:

The bill sets a new eligibility standard so there will need to be some updates to the request for PFL forms and some of the other forms and fact sheets the Board issues. The updated PFL request forms will be available on the Board's website the same way the current forms are, but if carriers brand their own forms in accordance with the current regulations and wish to do so for PFL construction employees, they will need to update their systems with the updated form(s).

7. Duplication: The proposal does not duplicate or conflict with any State or Federal requirements.

8. Alternatives: An alternative would be to not amend the regulation or amend the regulation to simply reference the PFL construction bill, but this would lead to confusion and likely an increase in denials and arbitration requests that can be avoided by updating the regulations to conform to the bill and provide clarity. Without updates to the regulations, the regulations do not contain the rules for construction employees and there would be confusion about when those employees were eligible, as the regulations would be at odds with the statute when it takes effect on January 1, 2027.

9. Federal standards. There are no applicable Federal Standards.

10. Compliance schedule: The regulation is expected to become effective at the same time as the bill – January 1, 2027.