S T A T E O F N E W Y O R K

6368--A

Cal. No. 260

I N S E N A T E

February 1, 2012

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to authorized absences by members of volunteer fire departments and volunteer ambulance squads who respond to states of emergency

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The labor law is amended by adding a new section 202-l to read as follows:

S 202-L. LEAVE OF ABSENCE FOR VOLUNTEER EMERGENCY RESPONDERS. 1. DURING THE TIME THAT AN EMERGENCY EXISTS FOLLOWING A DECLARATION OF SUCH EMERGENCY PURSUANT TO SECTION TWENTY-FOUR OR TWENTY-EIGHT OF THE EXECUTIVE LAW, AN EMPLOYEE MAY REQUEST AND SHALL BE GRANTED A LEAVE OF ABSENCE FROM HIS OR HER EMPLOYER WHILE ENGAGED IN THE ACTUAL PERFORMANCE OF HIS OR HER DUTIES AS, (A) A VOLUNTEER FIREFIGHTER, OR (B) AN ENROLLED MEMBER OF A VOLUNTEER AMBULANCE SERVICE PURSUANT TO ARTICLE THIRTY OF THE PUBLIC HEALTH LAW.

2. THE ENTIRE PERIOD OF THE AUTHORIZED LEAVE OF ABSENCE GRANTED PURSUANT TO THIS SECTION SHALL BE EXCUSED LEAVE AND SHALL NOT BE CHARGED AGAINST ANY OTHER LEAVE TO WHICH SUCH EMPLOYEE IS ENTITLED.

3. UPON THE EMPLOYER'S REQUEST, AN EMPLOYEE WHO HAS BEEN GRANTED A LEAVE OF ABSENCE IN ACCORDANCE WITH THIS SECTION SHALL PROVIDE HIS OR HER EMPLOYER WITH A NOTARIZED STATEMENT FROM THE HEAD OF THE VOLUNTEER FIRE DEPARTMENT OR VOLUNTEER AMBULANCE SERVICE, AS APPLICABLE, CERTIFYING THE PERIOD OF TIME, OR TIMES, THAT SAID EMPLOYEE RESPONDED TO AN EMERGENCY PURSUANT TO THIS SECTION.

4. NOTHING SET FORTH IN THIS SECTION SHALL BE CONSTRUED TO IMPEDE, INFRINGE OR DIMINISH THE RIGHTS AND BENEFITS WHICH ACCRUE TO EMPLOYEES THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS, OR OTHERWISE DIMINISH THE INTEGRITY OF THE EXISTING COLLECTIVE BARGAINING RELATIONSHIP.

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

LBD14337-03-2

5. AN EMPLOYER SHALL NOT RETALIATE AGAINST AN EMPLOYEE FOR THEIR SERVICE AS AN ENROLLED MEMBER OF A VOLUNTEER FIRE DEPARTMENT OR VOLUNTEER AMBULANCE SQUAD OR FOR OBTAINING A LEAVE OF ABSENCE UNDER THIS SECTION.

S 2. This act shall take effect immediately.