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

5406--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to the deferral of vacation days for certain members of the retirement system

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

Section 1. Section 89 of the retirement and social security law is amended by adding a new subdivision l to read as follows:

L. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, CODE, RESOLUTION OR CHARTER TO THE CONTRARY, UNIFORMED PERSONS, UNIFORMED PERSONNEL, OR SECURITY HOSPITAL TREATMENT ASSISTANTS AS DEFINED IN SUBDIVISION I OF THIS SECTION SHALL BE AFFORDED THE OPTION OF POSTPONING THE USE OF UP TO FIVE VACATION DAYS PER YEAR AND TAKING A MONETARY PAYMENT IN LIEU THEREOF. SUCH PAYMENT SHALL BE MADE ON THE DATE OF SUCH MEMBER'S RETIREMENT, SEPARATION FROM SERVICE, OR ON THE DATE THE MEMBER BECOMES INELIGIBLE TO RECEIVE THE BENEFITS PROVIDED BY THIS SECTION BY REASON OF TERMINATION, TRANSFER TO A DIFFERENT TITLE OR FOR ANY OTHER REASON WHICH WOULD OTHERWISE DEEM THE MEMBER INELIGIBLE TO RECEIVE SUCH BENEFITS. SUCH PAYMENT SHALL BE MADE AT THE PAY RATE APPLICABLE TO SUCH MEMBER ON THE DATE OF SUCH MEMBER'S RETIREMENT OR ON THE DATE SUCH MEMBER BECOMES INELIGIBLE TO RECEIVE THE BENEFITS PROVIDED BY THIS SECTION BY REASON OF SEPARATION OF SERVICE, TERMINATION, TRANSFER TO A DIFFERENT TITLE OR FOR ANY OTHER REASON. SUCH MONETARY PAYMENT SHALL NOT BE UTILIZED IN THE DETERMINATION OF FINAL AVERAGE SALARY FOR ANY SUCH MEMBER WHO SO ELECTS TO POSTPONE VACATION DAYS PURSUANT TO THIS SUBDIVISION. ANY SUCH MEMBER WISHING TO POSTPONE THE USE OF VACATION

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

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DAYS PURSUANT TO THIS SUBDIVISION SHALL ELECT SUCH POSTPONEMENT ON AN ANNUAL BASIS BY CERTIFYING TO THE DIRECTOR OF PERSONNEL OF HIS OR HER RESPECTIVE EMPLOYER OF HIS OR HER INTENTION TO DO SO IN SUCH MANNER AND FORM AS THE RESPECTIVE DIRECTOR SHALL SO REQUIRE.

S 2. This act shall take effect immediately.