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

1660

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting an employer from terminating an employee who also is a volunteer firefighter or a volunteer provider of emergency medical services when that employee misses or is late to work because of an emergency to which the employee was dispatched

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. AUTHORIZED ABSENCE. 1. IF AN EMPLOYEE IS ABSENT FROM OR LATE TO HIS OR HER EMPLOYMENT DUE TO HIS OR HER ENGAGING 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, AN EMPLOYER SHALL BE PROHIBITED FROM TERMINATING SUCH EMPLOYEE SOLELY ON THE BASIS OF SUCH ABSENCE OR LATENESS.

2. THE ENTIRE PERIOD OF THE AUTHORIZED ABSENCE MAY BE CHARGED AGAINST ANY OTHER LEAVE SUCH EMPLOYEE IS OTHERWISE ENTITLED TO, AND SUCH AUTHORIZED ABSENCE SHALL INCLUDE TRAVEL BOTH TO AND FROM SUCH DUTIES PERFORMED IN HIS OR HER CAPACITY AS A VOLUNTEER. AT THE EMPLOYER'S REQUEST THE EMPLOYEE MUST PROVIDE THE EMPLOYER WITH A STATEMENT FROM THE HEAD OF THE VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE SERVICE, AS APPLICABLE, STATING THE EMPLOYEE RESPONDED TO AN EMERGENCY AT THE TIME OF SUCH RESPONSE.

3. IN THE EVENT THAT THE EMPLOYEE DOES NOT HAVE ACCRUED TIME TO OFFSET ANY TIME LOST IN AN EMERGENCY RESPONSE THE EMPLOYER MUST EITHER, AT ITS OPTION:

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

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(A) GRANT AT LEAST THREE HOURS OF AUTHORIZED ABSENCE IN ANY TWELVE MONTH PERIOD TO AN EMPLOYEE WHO HAS ENGAGED IN A VOLUNTEER RESPONSE; OR

(B) ALLOW ITS EMPLOYEES WITHOUT USE OF ACCUMULATED LEAVE TIME AN AUTHORIZED ABSENCE FOR VOLUNTEER RESPONSE DURING WORK HOURS AT LEAST TWO TIMES PER CALENDAR YEAR.

4. THE COMMISSIONER IS HEREBY AUTHORIZED TO ESTABLISH ANY NECESSARY GUIDELINES, INCLUDING REQUIREMENTS FOR DOCUMENTATION OF THE EMERGENCY RESPONSE, VALIDATION OF ACCRUED LEAVE, AND THE CONDITIONS OF DISMISSAL AND PROCEDURES FOR AN EMPLOYEE TO SEEK REINSTATEMENT AND REIMBURSEMENT IF DISMISSED ON THE BASIS OF AN AUTHORIZED ABSENCE.

S 2. This act shall take effect immediately.