

STATE OF NEW YORK

7296

IN SENATE

January 5, 2018

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

AN ACT to amend the civil service law, in relation to requiring the president of the civil service commission to prepare and deliver a triennial report relating to current programs within each state agency that allow for alternative work schedules or flexible work hours

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

1 Section 1. Subdivision 7 of section 7 of the civil service law, as
2 added by a chapter of the laws of 2017, amending the civil service law,
3 relating to requiring the president of the civil service commission to
4 prepare and deliver a biennial report relating to current programs with-
5 in each state agency that allow for alternative work schedules or flexi-
6 ble work hours, as proposed in legislative bills numbers S. 5811A and A.
7 7634A, is amended to read as follows:

8 7. The president, [~~in coordination~~] with the assistance of the office
9 of information technology services as needed, shall prepare a [~~biennial~~]
10 report on or before the first day of [~~September beginning~~] September two
11 thousand eighteen and every three years thereafter to be issued to the
12 governor, the speaker of the assembly, the temporary president of the
13 senate, the minority leader of the assembly, and the minority leader of
14 the senate. Such report shall detail current programs within state agen-
15 cies that allow for alternative work schedules or flexible work hours,
16 the positive and negative experiences for agencies in utilizing alterna-
17 tive work schedules or flexible work hours, whether legal or practical
18 reasons affect the ability to offer such schedules, and any existing
19 plans agencies may have for [~~expanding or contracting~~] altering schedule
20 options available to employees. The president shall compile input from
21 agencies selected pursuant to this subdivision, and each agency shall
22 provide all available information upon request to the president.
23 [~~However, no plan regarding alternative work schedules or flexible work~~
24 ~~hours shall be implemented and cannot be enforced with regard to employ-~~
25 ~~ees represented by a bargaining unit unless and until such plan is~~
26 ~~implemented through a collective bargaining agreement.~~] The president

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

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1 ~~[shall]~~ may also include ~~[an analysis on any findings of]~~ information
2 about best practices among selected agencies ~~[and whether agencies can~~
3 ~~adopt additional practices to provide alternative schedules or flexible~~
4 ~~work hours]~~. Nothing set forth in this section shall be construed to
5 impede, infringe or diminish the rights and benefits that accrue to
6 employees and employers through collective bargaining agreements, or
7 otherwise diminish the integrity of the collective bargaining relation-
8 ship. For purposes of this subdivision, "alternative work schedules or
9 flexible work hours" shall mean an ongoing schedule modification that
10 applies to more than one employee in a described business unit~~[-alter-~~
11 ~~native]~~. Alternative work schedules or flexible work hours shall not
12 include voluntary reduction in work schedule agreements and individual-
13 ized work schedules.

14 § 2. This act shall take effect on the same date and in the same
15 manner as a chapter of the laws of 2017, amending the civil service law,
16 relating to requiring the president of the civil service commission to
17 prepare and deliver a biennial report relating to current programs with-
18 in each state agency that allow for alternative work schedules or flexi-
19 ble work hours, as proposed in legislative bills numbers S. 5811A and A.
20 7634A, takes effect.