

STATE OF NEW YORK

6078

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

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

AN ACT to amend the public authorities law, in relation to certain absences by employees of the metropolitan transportation authority

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

1 Section 1. The public authorities law is amended by adding three new
2 sections 1266-m, 1266-n and 1266-o to read as follows:

3 § 1266-m. Protracted medical conditions of employees. Should any
4 employee engaged in the service of any commuter rail service owned or
5 operated by the authority or its subsidiary, or contractor of the coun-
6 ties of Nassau or Suffolk engaged in providing public transportation, be
7 diagnosed with a chronic medical condition, illness, contagious
8 infection, non-contagious infection requiring an extended absence from
9 the workplace, paid or unpaid, shall not be subject to an adverse disci-
10 plinary action by their employer, notwithstanding any provision in a
11 collective bargaining agreement between such employer and the employee
12 organization representing the absent chronically ill employee.

13 § 1266-n. Absence during certain declared emergencies. Should any
14 employee engaged in the service of any commuter rail service owned or
15 operated by the authority or its subsidiary, or contractor of the coun-
16 ties of Nassau or Suffolk engaged in providing public transportation, be
17 rendered unable to report to their workplace during an emergency decla-
18 ration by the governor and where compelled by the lawful directions of a
19 law enforcement agency to refrain from doing so during such emergency,
20 shall not be subject to an adverse disciplinary action as a result of
21 such absence, notwithstanding any provision in a collective bargaining
22 agreement between such employer and the employee organization represent-
23 ing the absent employee under such circumstances.

24 § 1266-o. Absence due to legal process. Should any employee engaged in
25 the service of any commuter rail service owned or operated by the

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

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authority or its subsidiary, or contractor of the counties of Nassau or Suffolk engaged in providing public transportation, be rendered unable to report to their workplace due to any lawful court order to appear in a court or at a deposition as a plaintiff, defendant, juror, or witness, shall not be subject to an adverse disciplinary action as a result of such absence, notwithstanding any provision in a collective bargaining agreement between such employer and the employee organization representing the absent employee under such circumstances.

§ 2. This act shall take effect immediately.