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

4127--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. GIANARIS, HEVESI, PERALTA, JAFFEE, FIELDS, ALFANO, COLTON, KOLB, LANCMAN, WALKER, ERRIGO, BURLING, N. RIVERA, ROSENTHAL -- Multi-Sponsored by -- M. of A. AMEDORE, BARRA, BOYLAND, CLARK, LIFTON, McKEVITT, MOLINARO, ROBINSON, SAYWARD, SCHIMEL, SEMINERIO, SKARTADOS, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law and the general construction law, in relation to establishing a pilot program providing for a four-day work week for state employees

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

Section 1. Legislative findings. The legislature finds and declares that the current economic crisis necessitates rethinking the ways in which government services are provided. Finding more efficient and effective means of service delivery can enable government agencies to fulfill their missions while reducing expenses. State and local governments around the United States have begun to experiment with four-day schedules as a means of providing improved service to the public at lower cost. Providing for a four-day work week for many state employees could result in multiple benefits, including fiscal savings, expanded access to services for the public, reductions in energy demand, reduced commuting costs and traffic congestion, and decreased levels of pollution resulting from reductions in energy demand and vehicle miles traveled. Establishing a pilot program providing for a four-day work week will assist in dealing with the current economic crisis and enable decisionmakers to evaluate the long-term desirability of a four-day work week.

S 2. The civil service law is amended by adding a new section 134-a to read as follows:

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

LBD06845-02-9

S 134-A. FOUR-DAY WORK WEEK PILOT PROGRAM. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL ESTABLISH A PILOT PROGRAM PROVIDING FOR A MANDATORY FOUR-DAY WORK WEEK FOR STATE EMPLOYEES. UNDER SUCH PROGRAM, THE WORK WEEK FOR ALL STATE OFFICES OR UNITS THEREOF PARTICIPATING IN THE PROGRAM SHALL BE EIGHT O'CLOCK A.M. TO SIX O'CLOCK P.M., MONDAY THROUGH THURSDAY.

2. THE GOVERNOR SHALL DETERMINE THE OFFICES OR OTHER UNITS IN STATE AGENCIES THAT WILL PARTICIPATE IN THE PILOT PROGRAM. IN MAKING SUCH DETERMINATIONS, THE GOVERNOR SHALL EVALUATE:

(A) THE EXTENT TO WHICH SUCH OFFICES OR UNITS PROVIDE AN ESSENTIAL PUBLIC SERVICE, SUCH AS LAW ENFORCEMENT OR HEALTH CARE, THAT MUST BE PROVIDED ON A CONTINUOUS BASIS;

(B) THE EXTENT TO WHICH A CHANGE TO A FOUR-DAY WORK WEEK FOR A PARTICULAR OFFICE OR UNIT MAY HAVE ADVERSE IMPACTS ON REVENUES OR PUBLIC SERVICES;

(C) THE ABILITY OF THE STATE TO BENEFIT FROM REDUCED ENERGY EXPENDITURES FOR LEASED SPACE; AND

(D) SUCH OTHER MATTERS AS THE GOVERNOR MAY DEEM APPROPRIATE.

3. THE PILOT PROGRAM SHALL PROVIDE MECHANISMS FOR THE ACCOMMODATION OF INDIVIDUAL EMPLOYEES WHO CAN DOCUMENT THAT THEY WOULD OTHERWISE EXPERIENCE SUBSTANTIAL AND UNAVOIDABLE HARDSHIPS UNDER THE NEW SCHEDULE ADOPTED PURSUANT TO THIS SECTION. NO EMPLOYEE SHALL FORFEIT ANY REMUNERATION OR BENEFIT BY VIRTUE OF THE OPERATION OF THE PILOT PROGRAM, AND THE GOVERNOR SHALL BE AUTHORIZED AND EMPOWERED TO VARY THE PROVISIONS OF ANY STATUTE OR REGULATION RELATING TO VACATION AND LEAVE CREDITS, BY EXECUTIVE ORDER, TO ENSURE THAT NO SUCH FORFEITURE OCCURS.

4. THE GOVERNOR SHALL INITIATE THE PILOT PROGRAM NOT MORE THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH PROGRAM SHALL RUN FOR A PERIOD OF NOT LESS THAN TWO YEARS AFTER INITIATION. THE DEPARTMENT SHALL PREPARE AND MAKE PUBLIC A BASELINE REPORT DETAILING THE OPERATING COSTS, INCLUDING ENERGY USAGE AND THE COSTS OF BUILDING MAINTENANCE, ATTRIBUTABLE TO AFFECTED OFFICES AND UNITS OF STATE AGENCIES PRIOR TO THEIR PARTICIPATION IN THE PILOT PROGRAM. NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE PILOT PROGRAM HAS BEEN OPERATIONAL FOR A FULL YEAR, THE DEPARTMENT SHALL SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT COMPARING SUCH BASELINE COSTS TO THE ENERGY AND ENVIRONMENTAL IMPACTS AND BUILDING COST SAVINGS RESULTING FROM THE PILOT PROGRAM. SUCH REPORT SHALL ALSO ESTIMATE THE IMPACT OF THE PILOT PROGRAM ON OTHER VARIABLES, INCLUDING BUT NOT LIMITED TO COMMUTER MILES TRAVELED, COMMUTING COSTS, AND PUBLIC AND EMPLOYEE SATISFACTION WITH THE PROGRAM.

5. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH THE RIGHTS, PRIVILEGES OR REMEDIES OF ANY STATE EMPLOYEE PURSUANT TO ANY AGREEMENT ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER OR ANY OTHER EMPLOYMENT CONTRACT.

S 3. Section 20 of the general construction law, as amended by chapter 172 of the laws of 1988, is amended to read as follows:

S 20. Day, computation. A number of days specified as a period from a certain day within which or after or before which an act is authorized or required to be done means such number of calendar days exclusive of the calendar day from which the reckoning is made. If such period is a period of two days, Saturday, Sunday or a public holiday must be excluded from the reckoning if it is an intervening day between the day from which the reckoning is made and the last day of the period. In computing any specified period of time from a specified event, the day

upon which the event happens is deemed the day from which the reckoning is made. The day from which any specified period of time is reckoned shall be excluded in making the reckoning. WHENEVER ANY PAYMENT OF MONEY, PERFORMANCE OF A CONDITION OR OTHER ACTION IS AUTHORIZED OR REQUIRED TO BE DONE WITHIN A PERIOD OF TIME, AND SUCH PERIOD ENDS ON A FRIDAY ON WHICH A STATE AGENCY WHICH IS A NECESSARY PARTY TO THE PAYMENT, PERFORMANCE OR ACTION IS NOT OPEN BY VIRTUE OF PARTICIPATING IN A FOUR-DAY WORK WEEK PILOT PROGRAM PURSUANT TO SECTION ONE HUNDRED THIRTY-FOUR-A OF THE CIVIL SERVICE LAW, SUCH FRIDAY MAY BE DEEMED A "PUBLIC HOLIDAY" FOR THE PURPOSES OF TIME COMPUTATION.

S 4. This act shall take effect immediately.