

5790

2009-2010 Regular Sessions

I N S E N A T E

June 5, 2009

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

AN ACT to amend the public authorities law, in relation to enacting the "teleworking expansion act"

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

1 Section 1. This act shall be known and may be cited as the "telework-
2 ing expansion act".

3 S 2. The public authorities law is amended by adding a new section
4 2852 to read as follows:

5 S 2852. TELEWORKING PROGRAMS. 1. EVERY AUTHORITY WITH TWENTY-FIVE OR
6 MORE EMPLOYEES SHALL ESTABLISH A POLICY AND PROGRAM TO ALLOW SUCH
7 EMPLOYEES TO PERFORM ALL OR A PORTION OF THEIR DUTIES THROUGH TELEWORK-
8 ING TO THE MAXIMUM EXTENT POSSIBLE WITHOUT DIMINISHED EMPLOYEE PERFORM-
9 ANCE, PROVIDED THAT ANY PUBLIC AUTHORITY WITH A UNIONIZED WORKFORCE
10 SHALL ENGAGE IN COLLECTIVE BARGAINING PRIOR TO ESTABLISHING SUCH A
11 PROGRAM FOR ITS UNIONIZED EMPLOYEES. EACH AUTHORITY SHALL DESIGNATE A
12 "TELEWORK COORDINATOR" TO BE RESPONSIBLE FOR OVERSEEING THE IMPLEMENTA-
13 TION OF TELEWORKING PROGRAMS.

14 2. FOR THE PURPOSES OF THIS SECTION, THE TERM "TELEWORK" SHALL MEAN TO
15 PERFORM NORMAL AND REGULAR WORK FUNCTIONS ON A WORKDAY AT HOME THAT
16 ORDINARILY WOULD BE PERFORMED AT THE AUTHORITY'S LOCATION OR FACILITY,
17 THEREBY ELIMINATING OR SUBSTANTIALLY REDUCING THE PHYSICAL COMMUTE TO
18 AND FROM SUCH AUTHORITY'S PRINCIPAL LOCATION.

19 3. PRIOR TO ESTABLISHING A TELEWORKING PROGRAM, EACH AUTHORITY SHALL
20 DETERMINE WHETHER OR NOT SUCH PROGRAM IS COST EFFECTIVE. EACH PARTIC-
21 IPATING AUTHORITY SHALL THEN DEFINE WHO IS ELIGIBLE TO PARTICIPATE IN
22 SUCH PROGRAM, INCLUDING, BUT NOT LIMITED TO THE FOLLOWING CONDITIONS AND
23 CRITERIA:

24 (A) THAT THE EMPLOYEE HAS BEEN A PERMANENT EMPLOYEE AND HAS HELD THEIR
25 JOB TITLE FOR AT LEAST SIXTY DAYS;

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

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1 (B) THAT THE AUTHORITY HAS DETERMINED THAT THE FULL RANGE OF AN
2 EMPLOYEE'S JOB CAN BE READILY AND EFFECTIVELY COMPLETED AT AN ALTERNATE
3 SITE;

4 (C) THE AUTHORITY DETERMINES THAT THE EMPLOYEE'S ABSENCE FROM THE
5 OFFICE IS NOT DETRIMENTAL TO OFFICE OPERATIONS;

6 (D) THE EMPLOYEE'S PERFORMANCE HAS BEEN SATISFACTORY OR BETTER;

7 (E) BOTH THE EMPLOYEE AND EMPLOYER HAVE SIGNED A FORMAL ARRANGEMENT
8 THAT CLEARLY DELINEATES THE TELEWORKING RELATIONSHIP; AND

9 (F) THE AUTHORITY HAS DETERMINED THAT SUCH A TELEWORKING PROGRAM IS
10 COST EFFECTIVE.

11 4. PARTICIPATION IN A TELEWORKING PROGRAM SHALL NOT BE THE BASIS FOR
12 CHANGES IN SALARY OR BENEFITS.

13 5. TELEWORKING POLICIES OF EACH PARTICIPATING AUTHORITY SHALL BE
14 DELIVERED TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY, TEMPORARY PRESIDENT
15 OF THE SENATE, AND CHAIRS OF THE ASSEMBLY AND SENATE CORPORATIONS
16 COMMITTEES.

17 S 3. This act shall take effect on the ninetieth day after it shall
18 have become a law.