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

10615

I N A S S E M B L Y

April 12, 2010

Introduced by M. of A. GALEF -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the labor law, in relation to excused leave for certain purposes

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

Section 1. Subdivisions 1 and 2 of section 159-b of the civil service law, as amended by chapter 391 of the laws of 2008, are amended to read as follows:

1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself or herself and shall be deemed to have a paid leave of absence from his or her duties or service as such public officer or employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district, or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system for a sufficient period of time, not to exceed four hours on an annual basis, to undertake a screening for breast cancer. PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY

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

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TEACHER, OR FULL-TIME EDUCATOR, WHO WORKS LESS THAN A FULL YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR.

2. The entire period of the leave of absence granted pursuant to this section shall be excused leave and shall not be charged against any other leave OTHERWISE ENTITLED TO BY such public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system [is otherwise entitled to] PROVIDED HOWEVER, THAT ANY TEACHER, OR FULL-TIME EDUCATOR REQUIRED TO WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR SHALL BE ENTITLED TO THE PROVISIONS OF THIS SECTION.

S 2. Subdivisions 1 and 2 of section 159-c of the civil service law, as amended by chapter 391 of the laws of 2008, are amended to read as follows:

1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself and shall be deemed to have a paid leave of absence from his duties or service as such public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district, or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system for a sufficient period of time, not to exceed four hours on an annual basis, to undertake a screening for prostate cancer. PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY TEACHER OR FULL-TIME EDUCATOR WHO WORKS LESS THAN A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR.

2. The entire period of the leave of absence granted pursuant to this section shall be excused leave and shall not be charged against any other leave OTHERWISE ENTITLED TO BY such public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred

sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system [is otherwise entitled to] PROVIDED HOWEVER, THAT ANY TEACHER, OR FULL-TIME EDUCATOR REQUIRED TO WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR SHALL BE ENTITLED TO THE PROVISIONS OF THIS SECTION.

S 3. Section 202-j of the labor law is amended by adding a new subdivision 4-a to read as follows:

4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY TEACHER, OR FULL-TIME EDUCATOR WHO IS NOT REQUIRED TO WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR.

S 4. This act shall take effect one year after it shall have become a law.