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

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I N  A S S E M B L Y

May 5, 2010

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

AN ACT to amend the civil service law and the general construction law, in relation to establishing a 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. Short title. This act shall be known and may be cited as the "2010 voluntary summer labor reduction act".

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

S 134-A. THE TWO THOUSAND TEN VOLUNTARY SUMMER LABOR REDUCTION PROGRAM. 1. THE TWO THOUSAND TEN VOLUNTARY SUMMER LABOR REDUCTION PROGRAM IS HEREBY ESTABLISHED, PROVIDING FOR A VOLUNTARY 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 MONDAY THROUGH THURSDAY COMMENCING JULY FIRST, TWO THOUSAND TEN AND ENDING SEPTEMBER FIRST, TWO THOUSAND TEN.

2. NO EMPLOYEE SHALL FORFEIT ANY REMUNERATION OR BENEFIT BY VIRTUE OF THE OPERATION OF THE PROGRAM.

3. ALL EMPLOYEES OPTING TO PARTICIPATE IN SUCH PROGRAM SHALL BE REQUIRED TO PARTICIPATE IN THE PROGRAM FROM JULY FIRST, TWO THOUSAND TEN THROUGH SEPTEMBER FIRST, TWO THOUSAND TEN.

4. (A) SUCH PROGRAM SHALL NOT APPLY TO POLICE OFFICERS, OR OTHER EMERGENCY PERSONNEL AND OTHER ESSENTIAL OFFICERS AND EMPLOYEES.

(B) FOR THE PURPOSE OF THIS SUBDIVISION, "ESSENTIAL OFFICERS AND EMPLOYEES" SHALL MEAN ANY STATE EMPLOYEES OF THE EXECUTIVE BRANCH WHO SERVE IN A POSITION RESPONSIBLE FOR PROVIDING DIRECT CARE OR CERTAIN SECURITY SERVICES AS DETERMINED BY THE DIRECTOR OF THE BUDGET TO BE NECESSARY FOR THE PRESERVATION OF PUBLIC HEALTH OR SAFETY.

5. NOTHING IN THIS SECTION SHALL BE DEEMED TO REQUIRE AN EMPLOYEE VOLUNTEERING TO PARTICIPATE IN SUCH PROGRAM TO ACQUIRE AUTHORIZATION FROM THE AGENCY EMPLOYING SUCH EMPLOYEE.

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

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6. 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 THE TWO THOUSAND TEN VOLUNTARY SUMMER LABOR REDUCTION 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.