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

1248

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. LANCMAN, BRODSKY, JAFFEE, COLTON, FIELDS -- Multi-Sponsored by -- M. of A. DINOWITZ, WALKER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York, in relation to teleworking programs

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

Section 1. This act shall be known and may be cited as the "teleworking expansion act".

S 2. Legislative findings. The legislature hereby finds and declares that the health and safety of the population living in an around the densely populated New York city metropolitan region is a matter of state concern, as is the economic vitality and the effectiveness of mass transit in that region, all of which are threatened by the amount of traffic congestion inside of, and into, New York city, and the overcrowded buses, subways and railroads within the region. Traffic congestion is particularly harmful to the mass transit bus systems run by the Metropolitan Transportation Authority, creating delays and hindering the growth of essential surface mass transportation systems, and the entire mass transit system suffers from severe overcrowding. The negative impact of traffic congestion in New York city on the health, economy and mass transit systems of the downstate region, as well as the overcrowding of the region's mass transit systems, were established at legislative hearings in the spring of 2007, as well as during the hearings and reports of the legislatively created New York City Traffic Mitigation Commission. During these hearings, it was established that a very large number of New York city employees drive to work both from points within New York city and without, that New York city lacks a working and adequate telecommuting program for its employees, and that an effective telecommuting program would significantly reduce the number of such

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

LBD01060-01-9

employees driving to work. Likewise, a telecommuting program for New York city employees would also allow employees who use mass transit to work from home, thereby alleviating the current overcrowding in the region's mass transit systems. Such a program as established by this legislation would accomplish the state's concern that the health, safety, economic vitality and mass transit operations of the downstate region by preserved and protected.

S 3. The administrative code of the city of New York is amended by adding a new section 12-140 to read as follows:

S 12-140 TELEWORKING PROGRAMS. A. EACH AGENCY SHALL ESTABLISH A POLICY AND PROGRAM TO ALLOW EMPLOYEES TO PERFORM ALL OR A PORTION OF THEIR DUTIES THROUGH TELEWORKING TO THE MAXIMUM EXTENT POSSIBLE WITHOUT DIMINISHED EMPLOYEE PERFORMANCE. EACH AGENCY SHALL DESIGNATE A "TELEWORK COORDINATOR" TO BE RESPONSIBLE FOR OVERSEEING THE IMPLEMENTATION OF TELEWORKING PROGRAMS.

B. FOR THE PURPOSES OF THIS SECTION, THE TERM "TELEWORK" SHALL MEAN TO PERFORM NORMAL AND REGULAR WORK FUNCTIONS ON A WORKDAY THAT ORDINARILY WOULD BE PERFORMED AT THE AGENCY'S PRINCIPAL LOCATION AT A DIFFERENT LOCATION, THEREBY ELIMINATING OR SUBSTANTIALLY REDUCING THE PHYSICAL COMMUTE TO AND FROM SUCH AGENCY'S PRINCIPAL LOCATION.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.