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

8670

2009-2010 Regular Sessions

I N A S S E M B L Y

June 3, 2009

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

AN ACT to amend the civil service law, in relation to a vacation exchange option

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

Section 1. The civil service law is amended by adding a new section 130-a to read as follows

S 130-A. VACATION EXCHANGE OPTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, EFFECTIVE APRIL FIRST, TWO THOUSAND TEN THROUGH MARCH THIRTY-FIRST, TWO THOUSAND FOURTEEN, STATE EMPLOYEES, AS DEFINED HEREIN, WHO ARE ENTITLED TO EARN AND ACCUMULATE VACATION CREDITS MAY ONCE PER FISCAL YEAR ELECT TO RECEIVE CASH PAYMENT IN EXCHANGE FOR SUCH EARNED AND ACCUMULATED CREDITS IN UNITS OF FULL DAYS UP TO A MAXIMUM OF FIVE DAYS, PROVIDED THAT AT THE TIME OF SUCH ELECTION SUCH EARNED AND ACCUMULATED CREDITS TOTAL THIRTY-FIVE OR MORE DAYS, AND PROVIDED FURTHER THAT THE AVAILABILITY OF SUCH VACATION EXCHANGE SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF THE BUDGET FOR EACH RESPECTIVE STATE FISCAL YEAR. VACATION CREDITS DESIGNATED FOR SUCH AN EXCHANGE SHALL BE SEGREGATED FROM THE EMPLOYEE'S ACCRUED VACATION CREDITS FOR FUTURE CASH PAYMENT AND SUCH DAYS SHALL NOT BE INCLUDED IN THE ACCRUED CREDITS OF THE EMPLOYEE FOR THE PURPOSES OF DISALLOWING SUBSEQUENT VACATION CREDITS WITHIN THE LIMITS OTHERWISE PRESCRIBED. THE ELECTION OF SUCH AN EXCHANGE SHALL BE MADE ANNUALLY BY THE LAST DAY OF THE PAYROLL PERIOD WHICH INCLUDES JULY FIRST. SUCH PAYMENT FOR EXCHANGED CREDITS SHALL BE MADE DURING THE FIRST WEEK OF DECEMBER OF THE YEAR OF SUCH EXCHANGE AT A RATE DETERMINED BY THE EMPLOYEE'S SALARY IN EFFECT ON OCTOBER FIRST OF THE YEAR OF SUCH PAYMENT. SUCH COMPENSATION SHALL BE PAID IN ADDITION TO AND SHALL NOT BE PART OF AN EMPLOYEE'S BASIC ANNUAL SALARY, NOR SHALL IT BE CONSIDERED SALARY FOR THE PURPOSE OF COMPUTING RETIREMENT BENEFITS. FOR THE PURPOSES OF THIS SECTION, "STATE EMPLOYEES" SHALL MEAN STATE OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE STATE OF NEW YORK.

S 2. This act shall take effect immediately.

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

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