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

3267

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the volunteer firefighters' benefit law and the volunteer ambulance workers' benefit law, in relation to leave from work for municipal employees responding to fire and ambulance calls

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

Section 1. The volunteer firefighters' benefit law is amended by adding a new section 4-a to read as follows:

S 4-A. LEAVE FROM WORK FOR RESPONDING TO CALLS. 1. ANY PUBLIC EMPLOYEE WHO IS AN ACTIVE VOLUNTEER FIREFIGHTER:

A. MAY BE PERMITTED TO LEAVE WORK IN ORDER TO RESPOND TO FIRE CALLS OR AMBULANCE CALLS DURING SUCH EMPLOYEE'S REGULAR HOURS OF EMPLOYMENT WITHOUT PREJUDICE TO OPPORTUNITY FOR PROMOTION OR CONTINUED EMPLOYMENT, AND WITHOUT BEING CHARGED HOURS AGAINST SICK TIME, PERSONAL TIME, VACATION TIME OR COMPENSATORY TIME OR ANY OTHER ACCRUED TIME; AND

B. SHALL BE PERMITTED TO RESPOND TO SUCH CALLS PRIOR TO REPORTING FOR WORK WITHOUT PREJUDICE TO OPPORTUNITY FOR PROMOTION OR CONTINUED EMPLOYMENT, AND WITHOUT BEING CHARGED HOURS AGAINST SICK TIME, PERSONAL TIME, VACATION TIME OR COMPENSATORY TIME OR ANY OTHER ACCRUED TIME.

2. THE BENEFITS SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL ONLY BE AFFORDED TO A PUBLIC EMPLOYEE WHEN:

A. IF REQUESTED BY THE PUBLIC EMPLOYER, SUCH EMPLOYEE SUBMITS A WRITTEN STATEMENT FROM THE CHIEF OF THE FIRE COMPANY OR THE CHIEF OFFICER OF THE AMBULANCE COMPANY VERIFYING THAT SUCH EMPLOYEE RESPONDED TO A FIRE OR AMBULANCE CALL AND SPECIFYING THE DATE, TIME AND DURATION OF SUCH RESPONSE; AND

B. SUCH EMPLOYEE'S LEAVE FROM WORK DOES NOT RESULT IN SUCH PUBLIC EMPLOYER'S FAILURE TO MEET MINIMUM REQUIRED STAFFING LEVELS.

3. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

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

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A. "AMBULANCE COMPANY" SHALL HAVE THE MEANING SET FORTH IN SUBDIVISION TWO OF SECTION THREE OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW;

B. "PUBLIC EMPLOYEE" SHALL MEAN A PERSON WHO IS EMPLOYED BY A PUBLIC EMPLOYER; AND

C. "PUBLIC EMPLOYER" SHALL MEAN:

I. THE STATE OF NEW YORK;

II. A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE;

III. A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY;

IV. A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT;

V. A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION; OR

VI. ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE.

S 2. The article heading of article 1 of the volunteer ambulance workers' benefit law is amended to read as follows:

SHORT TITLE; PURPOSE; DEFINITIONS; MISCELLANEOUS

S 3. The volunteer ambulance workers' benefit law is amended by adding a new section 4 to read as follows:

S 4. LEAVE FROM WORK FOR RESPONDING TO CALLS. 1. ANY PUBLIC EMPLOYEE WHO IS AN ACTIVE VOLUNTEER AMBULANCE WORKER:

A. MAY BE PERMITTED TO LEAVE WORK IN ORDER TO RESPOND TO FIRE CALLS OR AMBULANCE CALLS DURING SUCH EMPLOYEE'S REGULAR HOURS OF EMPLOYMENT WITHOUT PREJUDICE TO OPPORTUNITY FOR PROMOTION OR CONTINUED EMPLOYMENT, AND WITHOUT BEING CHARGED HOURS AGAINST SICK TIME, PERSONAL TIME, VACATION TIME OR COMPENSATORY TIME OR ANY OTHER ACCRUED TIME; AND

B. SHALL BE PERMITTED TO RESPOND TO SUCH CALLS PRIOR TO REPORTING FOR WORK WITHOUT PREJUDICE TO OPPORTUNITY FOR PROMOTION OR CONTINUED EMPLOYMENT, AND WITHOUT BEING CHARGED HOURS AGAINST SICK TIME, PERSONAL TIME; VACATION TIME OR COMPENSATORY TIME OR ANY OTHER ACCRUED TIME.

2. THE BENEFITS SET FORTH IN SUBDIVISION ONE OF THIS SECTION SHALL ONLY BE AFFORDED TO A PUBLIC EMPLOYEE WHEN:

A. IF REQUESTED BY THE PUBLIC EMPLOYER, SUCH EMPLOYEE SUBMITS A WRITTEN STATEMENT FROM THE CHIEF OF THE FIRE COMPANY OR THE CHIEF OFFICER OF THE AMBULANCE COMPANY VERIFYING THAT SUCH EMPLOYEE RESPONDED TO A FIRE OR AMBULANCE CALL AND SPECIFYING THE DATE, TIME AND DURATION OF SUCH RESPONSE; AND

B. SUCH EMPLOYEE'S LEAVE FROM WORK DOES NOT RESULT IN SUCH PUBLIC EMPLOYER'S FAILURE TO MEET MINIMUM REQUIRED STAFFING LEVELS.

3. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "FIRE COMPANY" SHALL HAVE THE MEANING SET FORTH IN SUBDIVISION TWO OF SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW;

B. "PUBLIC EMPLOYEE" SHALL MEAN A PERSON WHO IS EMPLOYED BY A PUBLIC EMPLOYER; AND

C. "PUBLIC EMPLOYER" SHALL MEAN:

I. THE STATE OF NEW YORK;

II. A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE;

III. A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY;

IV. A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT;

V. A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION; OR

VI. ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE.

S 4. This act shall take effect immediately.