

6476

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 21, 2011

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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:

1     Section 1. Subdivisions 1 and 2 of section 159-b of the civil service  
2     law, as amended by chapter 391 of the laws of 2008, are amended to read  
3     as follows:  
4     1. Every public officer, employee of this state, employee of any  
5     county, employee of any community college, employee of any public  
6     authority, employee of any public benefit corporation, employee of any  
7     board of cooperative educational services (BOCES), employee of any vocational  
8     education and extension board, or a school district enumerated in  
9     section one of chapter five hundred sixty-six of the laws of nineteen  
10    hundred sixty-seven, employee of any municipality, employee of any  
11    school district or any employee of a participating employer in the New  
12    York state and local employees' retirement system or any employee of a  
13    participating employer in the New York state teachers' retirement system  
14    shall be entitled to absent himself or herself and shall be deemed to  
15    have a paid leave of absence from his or her duties or service as such  
16    public officer or employee of this state, employee of any county,  
17    employee of any community college, employee of any public authority,  
18    employee of any public benefit corporation, employee of any board of  
19    cooperative educational services (BOCES), employee of any vocational  
20    education and extension board, or a school district enumerated in  
21    section one of chapter five hundred sixty-six of the laws of nineteen  
22    hundred sixty-seven, employee of any municipality, employee of any  
23    school district, or any employee of a participating employer in the New  
24    York state and local employees' retirement system or any employee of a  
25    participating employer in the New York state teachers' retirement system

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

LBD09937-01-1

1 for a sufficient period of time, not to exceed four hours on an annual  
2 basis, to undertake a screening for breast cancer. PROVIDED, HOWEVER,  
3 THAT THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY  
4 TEACHER, OR FULL-TIME EDUCATOR, WHO WORKS LESS THAN A FULL YEAR OR THREE  
5 HUNDRED SIXTY-FIVE CALENDAR DAY YEAR.

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

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

25 1. Every public officer, employee of this state, employee of any  
26 county, employee of any community college, employee of any public  
27 authority, employee of any public benefit corporation, employee of any  
28 board of cooperative educational services (BOCES), employee of any voca-  
29 tional education and extension board, or a school district enumerated in  
30 section one of chapter five hundred sixty-six of the laws of nineteen  
31 hundred sixty-seven, employee of any municipality, employee of any  
32 school district or any employee of a participating employer in the New  
33 York state and local employees' retirement system or any employee of a  
34 participating employer in the New York state teachers' retirement system  
35 shall be entitled to absent himself and shall be deemed to have a paid  
36 leave of absence from his duties or service as such public officer,  
37 employee of this state, employee of any county, employee of any communi-  
38 ty college, employee of any public authority, employee of any public  
39 benefit corporation, employee of any board of cooperative educational  
40 services (BOCES), employee of any vocational education and extension  
41 board, or a school district enumerated in section one of chapter five  
42 hundred sixty-six of the laws of nineteen hundred sixty-seven, employee  
43 of any municipality, employee of any school district, or any employee of  
44 a participating employer in the New York state and local employees'  
45 retirement system or any employee of a participating employer in the New  
46 York state teachers' retirement system for a sufficient period of time,  
47 not to exceed four hours on an annual basis, to undertake a screening  
48 for prostate cancer. PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS  
49 SECTION SHALL NOT BE APPLICABLE TO ANY TEACHER OR FULL-TIME EDUCATOR WHO  
50 WORKS LESS THAN A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY  
51 YEAR.

52 2. The entire period of the leave of absence granted pursuant to this  
53 section shall be excused leave and shall not be charged against any  
54 other leave OTHERWISE ENTITLED TO BY such public officer, employee of  
55 this state, employee of any county, employee of any community college,  
56 employee of any public authority, employee of any public benefit corpo-

1 ration, employee of any board of cooperative educational services  
2 (BOCES), employee of any vocational education and extension board, or a  
3 school district enumerated in section one of chapter five hundred  
4 sixty-six of the laws of nineteen hundred sixty-seven, employee of any  
5 municipality, employee of any school district or any employee of a  
6 participating employer in the New York state and local employees'  
7 retirement system or any employee of a participating employer in the New  
8 York state teachers' retirement system [is otherwise entitled to]  
9 PROVIDED HOWEVER, THAT ANY TEACHER, OR FULL-TIME EDUCATOR REQUIRED TO  
10 WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR SHALL BE  
11 ENTITLED TO THE PROVISIONS OF THIS SECTION.

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

14 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW, THE PROVISIONS OF  
15 THIS SECTION SHALL NOT APPLY TO ANY TEACHER, OR FULL-TIME EDUCATOR WHO  
16 IS NOT REQUIRED TO WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR  
17 DAY YEAR.

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