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

April 13, 2012

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to allowing certain employees to utilize sick and personal leave when authorized to take leave under the federal Family and Medical Leave Act of 1993

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

Section 1. The labor law is amended by adding a new section 202-l to read as follows:

S 202-L. FAMILY AND MEDICAL LEAVE ACT; SICK AND PERSONAL LEAVE. 1. EXCEPT AS OTHERWISE PROVIDED PURSUANT TO A VALID COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL AUTHORIZE ANY EMPLOYEE WHO HAS BEEN GRANTED A LEAVE OF ABSENCE PURSUANT TO THE PROVISIONS OF THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993 (P.L. 103-3) TO UTILIZE ANY OF SUCH EMPLOYEE'S ACCRUED AND AVAILABLE SICK LEAVE AND/OR PERSONAL LEAVE FOR SUCH LEAVE.

2. FOR PURPOSES OF THIS SECTION, "EMPLOYER" SHALL MEAN THE STATE, COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY OR OTHER GOVERNMENTAL SUBDIVISION OF ANY KIND IN THE STATE OF NEW YORK.

S 2. Nothing in this act shall be construed to impede, infringe or diminish the rights and benefits which accrue to employees through bona fide collective bargaining agreements, or otherwise diminish the integrity of existing collective bargaining agreements and other past practices.

S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided however, the provisions of this act shall not supersede any collective bargaining agreement, during its term, in existence on the effective date of this act.

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

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