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

5249--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- recommitted to the Committee on Mental Health and Developmental Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law and the civil service law, in relation to requiring drug testing for all potential officers, employees and volunteers of the office of mental health and the office for people with developmental disabilities prior to employment

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

Section 1. Section 7.23 of the mental hygiene law, as added by chapter 978 of the laws of 1977, is amended to read as follows:

S 7.23 Education, HIRING and training.

(a) The commissioner shall have the power to establish such programs of training and education related to mental illness as he OR SHE shall deem desirable.

(b) The director of each facility in the office of mental health with the approval of the commissioner of mental health may establish and supervise training and education programs for employees. Directors of such facilities authorized to establish education or training programs may enter into agreements with educational institutions to furnish such education and training in whole or in part.

(c) The commissioner may grant leaves of absence to employees of the office of mental health for the purpose of receiving training or education for the better performance of their duties and, subject to the approval of the director of the budget, may continue the salaries of such employees, in full or in part, in an amount not to exceed reimbursement for the loss of earnings while receiving such training.

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

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(D) THE COMMISSIONER SHALL REQUIRE ANY POTENTIAL OFFICER AND EMPLOYEE OF THE OFFICE AND ANY POTENTIAL FACILITY OFFICER AND EMPLOYEE, INCLUDING ANY VOLUNTEER THEREOF, TO SUBMIT TO A DRUG TEST AS HE OR SHE SHALL DETERMINE BEFORE SUCH POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER IS ELIGIBLE TO COMMENCE EMPLOYMENT WITH THE OFFICE OR ANY FACILITY THEREOF. SHOULD ANY POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER REFUSE SUCH DRUG TEST, SUCH POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER SHALL NOT BE ELIGIBLE FOR EMPLOYMENT WITH THE OFFICE OR ANY FACILITY THEREOF.

S 2. Section 13.23 of the mental hygiene law, as added by chapter 978 of the laws of 1977 and subdivision (a) as amended by chapter 37 of the laws of 2011, is amended to read as follows:

S 13.23 Education, HIRING and training programs.

(a) The commissioner shall have the power to establish such programs of training and education related to developmental disabilities as he OR SHE shall deem desirable.

(b) The director of each facility with the approval of the commissioner may establish and supervise training and education programs for employees. Directors of facilities authorized to establish training and education programs may enter into agreements with educational institutions to furnish such training in whole or in part.

(c) The commissioner may grant leaves of absence to employees of the office for the purpose of receiving training or education for the better performance of their duties and, with the approval of the director of the budget, may continue the salaries of such employees, in full or in part, in an amount not to exceed reimbursement for the loss of earnings while receiving such training.

(D) THE COMMISSIONER SHALL REQUIRE ANY POTENTIAL OFFICER AND EMPLOYEE OF THE OFFICE AND ANY POTENTIAL FACILITY OFFICER AND EMPLOYEE, INCLUDING ANY VOLUNTEER THEREOF, TO SUBMIT TO A DRUG TEST AS HE OR SHE SHALL DETERMINE BEFORE SUCH POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER IS ELIGIBLE TO COMMENCE EMPLOYMENT WITH THE OFFICE OR ANY FACILITY THEREOF. SHOULD ANY POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER REFUSE SUCH DRUG TEST, SUCH POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER SHALL NOT BE ELIGIBLE FOR EMPLOYMENT WITH THE OFFICE OR ANY FACILITY THEREOF.

S 3. The civil service law is amended by adding a new section 153 to read as follows:

S 153. DRUG TESTING REQUIRED FOR CERTAIN OFFICES. ALL POTENTIAL OFFICERS, EMPLOYEES AND VOLUNTEERS AT ANY FACILITY OPERATED BY EITHER THE OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL, PRIOR TO THE COMMENCEMENT OF EMPLOYMENT, BE REQUIRED TO SUBMIT TO A DRUG TEST AS THE COMMISSIONERS OF SUCH OFFICES SHALL DETERMINE. SHOULD ANY POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER REFUSE SUCH DRUG TEST, SUCH POTENTIAL OFFICER, EMPLOYEE OR VOLUNTEER SHALL NOT BE ELIGIBLE FOR EMPLOYMENT WITH THE OFFICE OR ANY FACILITY THEREOF.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.