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 27, 2012

Introduced by M. of A. DenDEKKER, MENG, GRAF, MONTESANO, ESPINAL, SIMANOWITZ, BENEDETTO, LANCMAN -- Multi-Sponsored by -- M. of A. NOLAN, O'DONNELL, WEINSTEIN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the labor law, in relation to prohibiting mandatory overtime for certain persons

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 160-a to read as follows:

S 160-A. PROHIBITION OF MANDATORY OVERTIME. 1. FOR PURPOSES OF THIS SECTION, THE TERM "MANDATORY OVERTIME" SHALL MEAN THE PERIOD OF TIME AN EMPLOYEE IS REQUIRED TO WORK IN EXCESS OF HIS OR HER REGULARLY ESTABLISHED HOURS OF EMPLOYMENT, AND FOR WHICH SUCH EMPLOYEE FACES DISCIPLINARY ACTION OR TERMINATION FOR HIS OR HER REFUSAL TO WORK IN EXCESS OF SUCH HOURS.

2. NO EMPLOYER SHALL REQUIRE AN EMPLOYEE, WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM AND THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TEN, TO WORK MANDATORY OVERTIME IF SUCH EMPLOYEE HAS REACHED HIS OR HER OVERTIME CEILING AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION FIVE HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW.

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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