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

2156

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CROUCH, FINCH, CURRAN, RA -- Multi-Sponsored by -- M. of A. GIGLIO, HAWLEY, McDONOUGH, McKEVITT, THIELE -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to job protection for emergency service volunteers

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. AUTHORIZED ABSENCE. 1. IF AN EMPLOYEE IS ABSENT FROM OR LATE TO HIS OR HER EMPLOYMENT IN ORDER TO RESPOND TO AN EMERGENCY PRIOR TO THE TIME THE EMPLOYEE IS TO REPORT TO HIS OR HER EMPLOYMENT DUE TO HIS OR HER ENGAGING IN THE ACTUAL PERFORMANCE OF HIS OR HER DUTIES AS (A) A VOLUNTEER FIREFIGHTER, OR (B) AN ENROLLED MEMBER OF A VOLUNTEER AMBULANCE SERVICE PURSUANT TO ARTICLE THIRTY OF THE PUBLIC HEALTH LAW, AN EMPLOYER SHALL BE PROHIBITED FROM TERMINATING SUCH EMPLOYEE ON THE BASIS OF SUCH ABSENCE OR LATENESS.

2. THE ENTIRE PERIOD OF THE AUTHORIZED ABSENCE GRANTED PURSUANT TO THIS SECTION MAY BE CHARGED AGAINST ANY OTHER LEAVE SUCH EMPLOYEE IS OTHERWISE ENTITLED TO, AND SUCH AUTHORIZED ABSENCE SHALL INCLUDE TRAVEL BOTH TO AND FROM SUCH DUTIES PERFORMED IN HIS OR HER CAPACITY AS A VOLUNTEER. AT THE EMPLOYER'S REQUEST, THE EMPLOYEE MUST PROVIDE THE EMPLOYER WITH A STATEMENT FROM THE HEAD OF THE VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE SERVICE, AS APPLICABLE, STATING THE EMPLOYEE RESPONDED TO AN EMERGENCY AND THE TIME OF SUCH RESPONSE.

S 2. This act shall take effect immediately.

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

LBD06349-01-3