

9366

I N A S S E M B L Y

April 23, 2014

Introduced by M. of A. DINOWITZ, GOTTFRIED, PAULIN, COLTON, SCHIMEL,
MOSLEY -- Multi-Sponsored by -- M. of A. CERETTO, SKARTADOS -- read
once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to directing the
granting of excused leave to public officers and public employees to
undertake cancer screenings; and to repeal certain provisions of such
law relating thereto

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

1 Section 1. Section 159-b of the civil service law, as amended by chap-
2 ter 566 of the laws of 2006, subdivisions 1 and 2 as amended by chapter
3 391 of the laws of 2008, is amended to read as follows:
4 S 159-b. Excused leave to undertake a screening for [breast] cancer.
5 1. Every public officer, employee of this state, employee of any coun-
6 ty, employee of any community college, employee of any public authority,
7 employee of any public benefit corporation, employee of any board of
8 cooperative educational services (BOCES), employee of any vocational
9 education and extension board, or a school district enumerated in
10 section one of chapter five hundred sixty-six of the laws of nineteen
11 hundred sixty-seven, employee of any municipality, employee of any
12 school district or any employee of a participating employer in the New
13 York state and local employees' retirement system or any employee of a
14 participating employer in the New York state teachers' retirement system
15 shall be entitled to absent himself or herself and shall be deemed to
16 have a paid leave of absence from his or her duties or service as such
17 public officer or employee of this state, employee of any county,
18 employee of any community college, employee of any public authority,
19 employee of any public benefit corporation, employee of any board of
20 cooperative educational services (BOCES), employee of any vocational
21 education and extension board, or a school district enumerated in
22 section one of chapter five hundred sixty-six of the laws of nineteen
23 hundred sixty-seven, employee of any municipality, employee of any
24 school district, or any employee of a participating employer in the New
25 York state and local employees' retirement system or any employee of a

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

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1 participating employer in the New York state teachers' retirement system
2 for a sufficient period of time, not to exceed four hours PER CANCER
3 SCREENING TYPE, OR THE CUMULATIVE EQUIVALENT OF TWO FULL-TIME DAYS,
4 WHICHEVER IS LESS on an annual basis, to undertake a screening for
5 [breast] cancer.

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 such public officer, employee of this state, employee of any
9 county, employee of any community college, employee of any public
10 authority, employee of any public benefit corporation, employee of any
11 board of cooperative educational services (BOCES), employee of any voca-
12 tional education and extension board, or a school district enumerated in
13 section one of chapter five hundred sixty-six of the laws of nineteen
14 hundred sixty-seven, employee of any municipality, employee of any
15 school district or any employee of a participating employer in the New
16 York state and local employees' retirement system or any employee of a
17 participating employer in the New York state teachers' retirement system
18 is otherwise entitled to. PROVIDED, HOWEVER, THAT AN EMPLOYER MAY
19 RESERVE THE RIGHT TO REQUIRE THAT ALL EMPLOYEES PROVIDE A WRITTEN REFER-
20 RAL FROM A PHYSICIAN OR OTHER DULY AUTHORIZED HEALTH CARE PROVIDER.

21 [3. The provisions of this section shall not apply to any employee of
22 a city having a population of one million or more.]

23 S 2. Section 159-c of the civil service law is REPEALED.

24 S 3. This act shall take effect on the ninetieth day after it shall
25 have become a law; provided, however, that effective immediately, the
26 addition, amendment and/or repeal of any rule or regulation necessary
27 for the implementation of this act on its effective date are authorized
28 and directed to be made and completed on or before such effective date.