

3648--A

2013-2014 Regular Sessions

I N   S E N A T E

February 8, 2013

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Introduced by Sens. MAZIARZ, FELDER, GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government 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 volunteer firefighters' benefit law, the volunteer ambulance workers' benefit law and the labor law, in relation to a leave of absence for volunteer emergency responder training

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

1     Section 1. Paragraph d of subdivision 1 of section 5 of the volunteer  
2 firefighters' benefit law, as amended by chapter 161 of the laws of  
3 1983, is amended to read as follows:  
4     d. While, within this country or in Canada and pursuant to orders or  
5 authorization, instructing or being instructed in fire duties, attending  
6 a training school or course of instruction for firemen, ATTENDING TRAIN-  
7 ING PURSUANT TO SECTION TWO HUNDRED TWO-1 OF THE LABOR LAW, or attending  
8 or participating in any noncompetitive training program, including  
9 necessary travel directly connected therewith, as well as necessary  
10 travel to and necessary travel returning from such activity.  
11     S 2. Paragraph d of subdivision 1 of section 5 of the volunteer ambu-  
12 lance workers' benefit law is amended to read as follows:  
13     d. While, within this country or in Canada and pursuant to orders or  
14 authorization, instructing or being instructed in ambulance duties,  
15 attending a training school or course of instruction for ambulance work-  
16 ers, ATTENDING TRAINING PURSUANT TO SECTION TWO HUNDRED TWO-1 OF THE  
17 LABOR LAW, or attending or participating in any noncompetitive training  
18 program, including necessary travel directly connected therewith.  
19     S 3. The labor law is amended by adding a new section 202-1 to read as  
20 follows:

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

LBD06183-03-4

1 S 202-L. LEAVE OF ABSENCE FOR VOLUNTEER EMERGENCY RESPONDER TRAINING  
2 GRANTED TO EMPLOYEES. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING  
3 TERMS SHALL HAVE THE FOLLOWING MEANINGS:

4 (A) "EMPLOYEE" MEANS A PERSON WHO PERFORMS SERVICES FOR HIRE FOR AN  
5 EMPLOYER, FOR AN AVERAGE OF TWENTY OR MORE HOURS PER WEEK, AND INCLUDES  
6 ALL INDIVIDUALS EMPLOYED AT ANY SITE OWNED OR OPERATED BY AN EMPLOYER  
7 BUT SHALL NOT INCLUDE AN INDEPENDENT CONTRACTOR.

8 (B) "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS TWENTY OR MORE  
9 EMPLOYEES AT AT LEAST ONE SITE AND INCLUDES AN INDIVIDUAL, CORPORATION,  
10 PARTNERSHIP, ASSOCIATION, NONPROFIT ORGANIZATION, GROUP OF PERSONS,  
11 STATE, COUNTY, TOWN, CITY, SCHOOL DISTRICT, PUBLIC AUTHORITY OR OTHER  
12 GOVERNMENTAL SUBDIVISION OF ANY KIND.

13 (C) "VOLUNTEER EMERGENCY RESPONDER" MEANS AN ACTIVE MEMBER OF A VOLUN-  
14 TEER FIRE COMPANY AND/OR A VOLUNTARY AMBULANCE SERVICE AS SUCH TERMS ARE  
15 DEFINED IN SECTION ONE HUNDRED OF THE GENERAL MUNICIPAL LAW.

16 2. AN EMPLOYER MUST EITHER, AT ITS OPTION: (A) GRANT SIX HOURS OF  
17 LEAVE OF ABSENCE IN ANY TWELVE MONTH PERIOD TO AN EMPLOYEE THAT IS AN  
18 ACTIVE VOLUNTEER EMERGENCY RESPONDER WHO SEEKS TO OBTAIN VOLUNTEER FIRE-  
19 FIGHTER OR VOLUNTEER AMBULANCE WORKER TRAINING; PROVIDED THAT THE LEAVE  
20 OF ABSENCE MAY NOT EXCEED SIX HOURS, UNLESS OTHERWISE AGREED TO BY THE  
21 EMPLOYER, AND MUST COMPLY WITH THE REQUIREMENTS ESTABLISHED BY THE  
22 COMMISSIONER UNDER SUBDIVISION FIVE OF THIS SECTION; OR (B) ALLOW ITS  
23 EMPLOYEES WITHOUT USE OF ACCUMULATED LEAVE TIME TO OBTAIN VOLUNTEER  
24 FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER TRAINING DURING WORK HOURS AT  
25 LEAST TWO TIMES PER YEAR AT A CONVENIENT TIME AND PLACE SET BY THE  
26 EMPLOYER.

27 3. AN EMPLOYER SHALL NOT RETALIATE AGAINST AN EMPLOYEE FOR REQUESTING  
28 OR OBTAINING A LEAVE OF ABSENCE UNDER THIS SECTION.

29 4. THIS SECTION SHALL NOT PREVENT AN EMPLOYER FROM PROVIDING LEAVE FOR  
30 VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER TRAINING IN ADDITION  
31 TO LEAVE ALLOWED UNDER ANY OTHER PROVISION OF LAW. THIS SECTION SHALL  
32 NOT AFFECT AN EMPLOYEE'S RIGHTS WITH RESPECT TO ANY OTHER EMPLOYEE BENE-  
33 FIT OTHERWISE PROVIDED BY LAW.

34 5. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH ANY  
35 NECESSARY GUIDELINES, INCLUDING REQUIREMENTS FOR NOTICE, REQUEST AND  
36 APPROVAL OF LEAVE, AND DOCUMENTATION, FOR THE TIMELY IMPLEMENTATION OF  
37 THE PROGRAM.

38 S 4. This act shall take effect on the one hundred twentieth day after  
39 it shall have become a law.