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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law and the general construction law, in relation to establishing a pilot program providing for a four-day work week for state employees

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

1 Section 1. Legislative findings. The legislature finds and declares
2 that the current economic crisis necessitates rethinking the ways in
3 which government services are provided. Finding more efficient and
4 effective means of service delivery can enable government agencies to
5 fulfill their missions while reducing expenses. State and local govern-
6 ments around the United States have begun to experiment with four-day
7 schedules as a means of providing improved service to the public at
8 lower cost. Providing for a four-day work week for many state employees
9 could result in multiple benefits, including fiscal savings, expanded
10 access to services for the public, reductions in energy demand, reduced
11 commuting costs and traffic congestion, and decreased levels of
12 pollution resulting from reductions in energy demand and vehicle miles
13 traveled. Establishing a pilot program providing for a four-day work
14 week will assist in dealing with the current economic crisis and enable
15 decisionmakers to evaluate the long-term desirability of a four-day work
16 week.

17 S 2. The civil service law is amended by adding a new section 134-a to
18 read as follows:

19 S 134-A. FOUR-DAY WORK WEEK PILOT PROGRAM. 1. NOTWITHSTANDING ANY
20 OTHER PROVISION OF LAW, THE GOVERNOR SHALL ESTABLISH A PILOT PROGRAM
21 PROVIDING FOR A MANDATORY FOUR-DAY WORK WEEK FOR STATE EMPLOYEES. UNDER
22 SUCH PROGRAM, THE WORK WEEK FOR ALL STATE OFFICES OR UNITS THEREOF

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

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1 PARTICIPATING IN THE PROGRAM SHALL BE EIGHT O'CLOCK A.M. TO SIX O'CLOCK
2 P.M., MONDAY THROUGH THURSDAY.

3 2. THE GOVERNOR SHALL DETERMINE THE OFFICES OR OTHER UNITS IN STATE
4 AGENCIES THAT WILL PARTICIPATE IN THE PILOT PROGRAM. IN MAKING SUCH
5 DETERMINATIONS, THE GOVERNOR SHALL EVALUATE:

6 (A) THE EXTENT TO WHICH SUCH OFFICES OR UNITS PROVIDE AN ESSENTIAL
7 PUBLIC SERVICE, SUCH AS LAW ENFORCEMENT OR HEALTH CARE, THAT MUST BE
8 PROVIDED ON A CONTINUOUS BASIS;

9 (B) THE EXTENT TO WHICH A CHANGE TO A FOUR-DAY WORK WEEK FOR A PARTIC-
10 ULAR OFFICE OR UNIT MAY HAVE ADVERSE IMPACTS ON REVENUES OR PUBLIC
11 SERVICES;

12 (C) THE ABILITY OF THE STATE TO BENEFIT FROM REDUCED ENERGY EXPENDI-
13 TURES FOR LEASED SPACE; AND

14 (D) SUCH OTHER MATTERS AS THE GOVERNOR MAY DEEM APPROPRIATE.

15 3. THE PILOT PROGRAM SHALL PROVIDE MECHANISMS FOR THE ACCOMMODATION OF
16 INDIVIDUAL EMPLOYEES WHO CAN DOCUMENT THAT THEY WOULD OTHERWISE EXPERI-
17 ENCE SUBSTANTIAL AND UNAVOIDABLE HARDSHIPS UNDER THE NEW SCHEDULE
18 ADOPTED PURSUANT TO THIS SECTION. NO EMPLOYEE SHALL FORFEIT ANY REMUNER-
19 ATION OR BENEFIT BY VIRTUE OF THE OPERATION OF THE PILOT PROGRAM, AND
20 THE GOVERNOR SHALL BE AUTHORIZED AND EMPOWERED TO VARY THE PROVISIONS OF
21 ANY STATUTE OR REGULATION RELATING TO VACATION AND LEAVE CREDITS, BY
22 EXECUTIVE ORDER, TO ENSURE THAT NO SUCH FORFEITURE OCCURS.

23 4. THE GOVERNOR SHALL INITIATE THE PILOT PROGRAM NOT MORE THAN ONE
24 HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH
25 PROGRAM SHALL RUN FOR A PERIOD OF NOT LESS THAN TWO YEARS AFTER INITI-
26 ATION. THE DEPARTMENT SHALL PREPARE AND MAKE PUBLIC A BASELINE REPORT
27 DETAILING THE OPERATING COSTS, INCLUDING ENERGY USAGE AND THE COSTS OF
28 BUILDING MAINTENANCE, ATTRIBUTABLE TO AFFECTED OFFICES AND UNITS OF
29 STATE AGENCIES PRIOR TO THEIR PARTICIPATION IN THE PILOT PROGRAM. NOT
30 LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE PILOT PROGRAM HAS BEEN
31 OPERATIONAL FOR A FULL YEAR, THE DEPARTMENT SHALL SUBMIT TO THE GOVER-
32 NOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEM-
33 BLY A REPORT COMPARING SUCH BASELINE COSTS TO THE ENERGY AND ENVIRON-
34 MENTAL IMPACTS AND BUILDING COST SAVINGS RESULTING FROM THE PILOT
35 PROGRAM. SUCH REPORT SHALL ALSO ESTIMATE THE IMPACT OF THE PILOT PROGRAM
36 ON OTHER VARIABLES, INCLUDING BUT NOT LIMITED TO COMMUTER MILES TRAV-
37 ELED, COMMUTING COSTS, AND PUBLIC AND EMPLOYEE SATISFACTION WITH THE
38 PROGRAM.

39 5. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH THE RIGHTS,
40 PRIVILEGES OR REMEDIES OF ANY STATE EMPLOYEE PURSUANT TO ANY AGREEMENT
41 ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER OR ANY OTHER
42 EMPLOYMENT CONTRACT.

43 S 3. Section 20 of the general construction law, as amended by chapter
44 172 of the laws of 1988, is amended to read as follows:

45 S 20. Day, computation. A number of days specified as a period from a
46 certain day within which or after or before which an act is authorized
47 or required to be done means such number of calendar days exclusive of
48 the calendar day from which the reckoning is made. If such period is a
49 period of two days, Saturday, Sunday or a public holiday must be
50 excluded from the reckoning if it is an intervening day between the day
51 from which the reckoning is made and the last day of the period. In
52 computing any specified period of time from a specified event, the day
53 upon which the event happens is deemed the day from which the reckoning
54 is made. The day from which any specified period of time is reckoned
55 shall be excluded in making the reckoning. WHENEVER ANY PAYMENT OF
56 MONEY, PERFORMANCE OF A CONDITION OR OTHER ACTION IS AUTHORIZED OR

1 REQUIRED TO BE DONE WITHIN A PERIOD OF TIME, AND SUCH PERIOD ENDS ON A
2 FRIDAY ON WHICH A STATE AGENCY WHICH IS A NECESSARY PARTY TO THE
3 PAYMENT, PERFORMANCE OR ACTION IS NOT OPEN BY VIRTUE OF PARTICIPATING IN
4 A FOUR-DAY WORK WEEK PILOT PROGRAM PURSUANT TO SECTION ONE HUNDRED THIR-
5 TY-FOUR-A OF THE CIVIL SERVICE LAW, SUCH FRIDAY MAY BE DEEMED A "PUBLIC
6 HOLIDAY" FOR THE PURPOSES OF TIME COMPUTATION.
7 S 4. This act shall take effect immediately.