

5458

2013-2014 Regular Sessions

I N A S S E M B L Y

February 27, 2013

Introduced by M. of A. GALEF -- read once and referred to the Committee
on Governmental Employees

AN ACT to amend the civil service law and the labor law, in relation to
excused leave for certain purposes

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

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

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

LBD04832-01-3

1 for a sufficient period of time, not to exceed four hours on an annual
2 basis, to undertake a screening for breast cancer. PROVIDED, HOWEVER,
3 THAT THE PROVISIONS OF THIS SECTION SHALL NOT BE APPLICABLE TO ANY
4 TEACHER, OR FULL-TIME EDUCATOR, WHO WORKS LESS THAN A FULL YEAR OR THREE
5 HUNDRED SIXTY-FIVE CALENDAR DAY YEAR.

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 OTHERWISE ENTITLED TO BY such public officer, employee of
9 this state, employee of any county, employee of any community college,
10 employee of any public authority, employee of any public benefit corpo-
11 ration, employee of any board of cooperative educational services
12 (BOCES), employee of any vocational education and extension board, or a
13 school district enumerated in section one of chapter five hundred
14 sixty-six of the laws of nineteen hundred sixty-seven, employee of any
15 municipality, employee of any school district or any employee of a
16 participating employer in the New York state and local employees'
17 retirement system or any employee of a participating employer in the New
18 York state teachers' retirement system [is otherwise entitled to]
19 PROVIDED HOWEVER, THAT ANY TEACHER, OR FULL-TIME EDUCATOR REQUIRED TO
20 WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR SHALL BE
21 ENTITLED TO THE PROVISIONS OF THIS SECTION.

22 S 2. Subdivisions 1 and 2 of section 159-c of the civil service law,
23 as amended by chapter 391 of the laws of 2008, are amended to read as
24 follows:

25 1. Every public officer, employee of this state, employee of any
26 county, employee of any community college, employee of any public
27 authority, employee of any public benefit corporation, employee of any
28 board of cooperative educational services (BOCES), employee of any voca-
29 tional education and extension board, or a school district enumerated in
30 section one of chapter five hundred sixty-six of the laws of nineteen
31 hundred sixty-seven, employee of any municipality, employee of any
32 school district or any employee of a participating employer in the New
33 York state and local employees' retirement system or any employee of a
34 participating employer in the New York state teachers' retirement system
35 shall be entitled to absent himself and shall be deemed to have a paid
36 leave of absence from his duties or service as such public officer,
37 employee of this state, employee of any county, employee of any communi-
38 ty college, employee of any public authority, employee of any public
39 benefit corporation, employee of any board of cooperative educational
40 services (BOCES), employee of any vocational education and extension
41 board, or a school district enumerated in section one of chapter five
42 hundred sixty-six of the laws of nineteen hundred sixty-seven, employee
43 of any municipality, employee of any school district, or any employee of
44 a participating employer in the New York state and local employees'
45 retirement system or any employee of a participating employer in the New
46 York state teachers' retirement system for a sufficient period of time,
47 not to exceed four hours on an annual basis, to undertake a screening
48 for prostate cancer. PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS
49 SECTION SHALL NOT BE APPLICABLE TO ANY TEACHER OR FULL-TIME EDUCATOR WHO
50 WORKS LESS THAN A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY
51 YEAR.

52 2. The entire period of the leave of absence granted pursuant to this
53 section shall be excused leave and shall not be charged against any
54 other leave OTHERWISE ENTITLED TO BY such public officer, employee of
55 this state, employee of any county, employee of any community college,
56 employee of any public authority, employee of any public benefit corpo-

1 ration, employee of any board of cooperative educational services
2 (BOCES), employee of any vocational education and extension board, or a
3 school district enumerated in section one of chapter five hundred
4 sixty-six of the laws of nineteen hundred sixty-seven, employee of any
5 municipality, employee of any school district or any employee of a
6 participating employer in the New York state and local employees'
7 retirement system or any employee of a participating employer in the New
8 York state teachers' retirement system [is otherwise entitled to]
9 PROVIDED HOWEVER, THAT ANY TEACHER, OR FULL-TIME EDUCATOR REQUIRED TO
10 WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR DAY YEAR SHALL BE
11 ENTITLED TO THE PROVISIONS OF THIS SECTION.

12 S 3. Section 202-j of the labor law is amended by adding a new subdi-
13 vision 4-a to read as follows:

14 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW, THE PROVISIONS OF
15 THIS SECTION SHALL NOT APPLY TO ANY TEACHER, OR FULL-TIME EDUCATOR WHO
16 IS NOT REQUIRED TO WORK A FULL-YEAR OR THREE HUNDRED SIXTY-FIVE CALENDAR
17 DAY YEAR.

18 S 4. This act shall take effect one year after it shall have become a
19 law.