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

5943

2013-2014 Regular Sessions

I N A S S E M B L Y

March 8, 2013

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Local Governments

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:

Section 1. Paragraph d of subdivision 1 of section 5 of the volunteer firefighters' benefit law, as amended by chapter 161 of the laws of 1983, is amended to read as follows:

d. While, within this country or in Canada and pursuant to orders or authorization, instructing or being instructed in fire duties, attending a training school or course of instruction for firemen, ATTENDING TRAINING PURSUANT TO SECTION TWO HUNDRED TWO-1 OF THE LABOR LAW, or attending or participating in any noncompetitive training program, including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity.

S 2. Paragraph d of subdivision 1 of section 5 of the volunteer ambulance workers' benefit law is amended to read as follows:

d. While, within this country or in Canada and pursuant to orders or authorization, instructing or being instructed in ambulance duties, attending a training school or course of instruction for ambulance workers, ATTENDING TRAINING PURSUANT TO SECTION TWO HUNDRED TWO-1 OF THE LABOR LAW, or attending or participating in any noncompetitive training program, including necessary travel directly connected therewith.

S 3. The labor law is amended by adding a new section 202-l to read as follows:

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

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

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

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

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

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

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

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

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

S 4. This act shall take effect on the ninetieth day after it shall have become a law.