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

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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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 159-b of the civil service law, as amended by chapter 566 of the laws of 2006, subdivisions 1 and 2 as amended by chapter 391 of the laws of 2008, is amended to read as follows:

S 159-b. Excused leave to undertake a screening for [breast] cancer. 1. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to absent himself or herself and shall be deemed to have a paid leave of absence from his or her duties or service as such public officer or employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district, or any employee of a participating employer in the New 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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participating employer in the New York state teachers' retirement system for a sufficient period of time, not to exceed four hours PER CANCER SCREENING TYPE, OR THE CUMULATIVE EQUIVALENT OF TWO FULL-TIME DAYS, WHICHEVER IS LESS on an annual basis, to undertake a screening for [breast] cancer.

2. The entire period of the leave of absence granted pursuant to this section shall be excused leave and shall not be charged against any other leave such public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, employee of any municipality, employee of any school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system is otherwise entitled to. PROVIDED, HOWEVER, THAT AN EMPLOYER MAY RESERVE THE RIGHT TO REQUIRE THAT ALL EMPLOYEES PROVIDE A WRITTEN REFERRAL FROM A PHYSICIAN OR OTHER DULY AUTHORIZED HEALTH CARE PROVIDER.

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

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

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