

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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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.