

10012--A

I N   A S S E M B L Y

May 4, 2016

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Introduced by M. of A. ABBATE -- read once and referred to the Committee  
on Governmental Employees -- committee discharged, bill amended,  
ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to transfer of sick  
time

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

1     Section 1. The civil service law is amended by adding a new section  
2     159-d to read as follows:  
3     S 159-D. TRANSFER OF SICK TIME. 1. FOR PURPOSES OF THIS SECTION, THE  
4     FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
5     (A) "DONOR" SHALL MEAN AN INDIVIDUAL WHO DONATES SICK TIME TO A FELLOW  
6     EMPLOYEE;  
7     (B) "RECIPIENT" SHALL MEAN AN INDIVIDUAL WHO RECEIVES DONATED SICK  
8     TIME FROM A FELLOW EMPLOYEE;  
9     (C) "FELLOW EMPLOYEE" SHALL MEAN AN INDIVIDUAL EMPLOYED UNDER THE  
10    JURISDICTION OF THE SAME CIVIL SERVICE COMMISSION AS ANOTHER;  
11    (D) "STATE COMMISSION" SHALL HAVE THE SAME MEANING AS DEFINED IN  
12    SUBDIVISION ONE OF SECTION TWO OF THIS CHAPTER; AND  
13    (E) "MUNICIPAL COMMISSION" SHALL HAVE THE SAME MEANING AS DEFINED IN  
14    SUBDIVISION FOUR OF SECTION TWO OF THIS CHAPTER.  
15    2. EVERY PUBLIC OFFICER, EMPLOYEE OF THIS STATE, EMPLOYEE OF ANY COUN-  
16    TY, EMPLOYEE OF ANY COMMUNITY COLLEGE, EMPLOYEE OF ANY PUBLIC AUTHORITY,  
17    EMPLOYEE OF ANY PUBLIC BENEFIT CORPORATION, EMPLOYEE OF ANY BOARD OF  
18    COOPERATIVE EDUCATIONAL SERVICES (BOCES), EMPLOYEE OF ANY VOCATIONAL  
19    EDUCATION AND EXTENSION BOARD, OR A SCHOOL DISTRICT ENUMERATED IN  
20    SECTION ONE OF CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN  
21    HUNDRED SIXTY-SEVEN, EMPLOYEE OF ANY MUNICIPALITY, EMPLOYEE OF ANY  
22    SCHOOL DISTRICT OR ANY EMPLOYEE OF A PARTICIPATING EMPLOYER IN THE NEW  
23    YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR ANY EMPLOYEE OF A  
24    PARTICIPATING EMPLOYER IN THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM  
25    SHALL BE ENTITLED TO TRANSFER OR RECEIVE SICK TIME FROM A FELLOW EMPLOY-  
26    EE.

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

LBD10147-10-6

1 3. IN ORDER TO TRANSFER SUCH SICK TIME THE FOLLOWING RESTRICTIONS  
2 SHALL APPLY:

3 (A) AN EMPLOYEE UNDER THE JURISDICTION OF THE STATE COMMISSION SHALL  
4 ONLY BE PERMITTED TO RECEIVE DONATED SICK TIME FROM A FELLOW EMPLOYEE  
5 UNDER THE JURISDICTION OF THE STATE COMMISSION;

6 (B) AN EMPLOYEE UNDER THE JURISDICTION OF ANY MUNICIPAL COMMISSION  
7 SHALL ONLY BE PERMITTED TO RECEIVE DONATED SICK TIME FROM A FELLOW  
8 EMPLOYEE UNDER THE JURISDICTION OF THE SAME MUNICIPAL COMMISSION;

9 (C) AN EMPLOYEE UNDER THE JURISDICTION OF A SCHOOL DISTRICT SHALL ONLY  
10 BE PERMITTED TO RECEIVE DONATED SICK TIME FROM A FELLOW EMPLOYEE UNDER  
11 THE JURISDICTION OF THE SAME SCHOOL DISTRICT;

12 (D) A RECIPIENT SHALL ONLY BE PERMITTED TO RECEIVE AND USE DONATED  
13 SICK TIME FROM A FELLOW EMPLOYEE IF SUCH RECIPIENT HAS EXHAUSTED ALL  
14 PERSONAL SICK TIME. PERSONAL SICK TIME SHALL BE DEEMED EXHAUSTED WHEN AN  
15 EMPLOYEE HAS A BALANCE OF ZERO HOURS OR LESS THAN THE NUMBER OF HOURS  
16 NECESSARY TO COMPLETE APPROVED SICK LEAVE; AND

17 (E) AN EMPLOYER MAY RESERVE THE RIGHT TO REQUIRE THAT EMPLOYEES  
18 PROVIDE A WRITTEN REFERRAL FROM A PHYSICIAN OR OTHER DULY AUTHORIZED  
19 HEALTH CARE PROVIDER OR PROOF OF FAMILIAL EMERGENCY FOR SUCH SICK LEAVE  
20 TO BE APPROVED.

21 4. NOTHING IN THIS SECTION SHALL BE DEEMED TO SUPERSEDE OR DIMINISH  
22 THE TERMS, RIGHTS, PRIVILEGES, OR REMEDIES OF ANY EMPLOYEE UNDER ANY  
23 COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT.

24 S 2. This act shall take effect immediately.