

STATE OF NEW YORK

10779

IN ASSEMBLY

May 18, 2018

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

AN ACT to amend the civil service law and the administrative code of the city of New York, in relation to the rights and working conditions of emergency medical technicians employed by the New York city fire department

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil service law is amended by adding a new section
2 215 to read as follows:

3 § 215. Emergency medical technicians rights and working conditions.
4 1. As used in this section, the following terms shall have the following
5 meanings unless otherwise specified:

6 (a) "Emergency medical technician" shall mean a person employed by the
7 fire department of the city of New York in a title whose duties are
8 those of an emergency medical technician or advanced emergency medical
9 technician, as those terms are defined in section three thousand one of
10 the public health law, or whose duties require the direct supervision of
11 such employees whose duties are those of an emergency medical technician
12 or advanced emergency medical technician.

13 (b) "Department" shall mean the fire department of the city of New
14 York.

15 2. (a) An emergency medical technician engaged in prehospital emergen-
16 cy medical services whose scheduled shift or hours worked is at least
17 four hours shall be authorized and permitted to take rest periods that,
18 to the extent practicable, shall be in the middle of each work period.
19 The duration of such authorized rest periods shall be based on the total
20 hours worked daily at the rate of ten minutes rest time for every four
21 hours worked. A rest period is not required for an emergency medical
22 technician whose total daily work time is less than four hours. Author-
23 ized rest period time shall be counted as hours worked for which there
24 shall be no deduction from wages.

25 (b) During the authorized rest period provided for in this subdivi-
26 sion, an emergency medical technician shall be relieved of all duties

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

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1 and the department shall relinquish control over the use of such time by
2 such emergency medical technician; provided, however, that an emergency
3 medical technician may be required to monitor pagers, radios, station
4 alert boxes, intercoms, cellular telephones, or other communication
5 methods during such time.

6 (c) (i) The department may interrupt a rest period and require an
7 emergency medical technician to terminate his or her rest period and
8 resume work in the event of an unforeseeable natural or man-made disas-
9 ter.

10 (ii) In the event that a rest period is interrupted pursuant to
11 subparagraph (i) of this paragraph or not provided to an emergency
12 medical technician for any other reason, such emergency medical techni-
13 cian shall be paid one hour of pay at his or her regular rate of compen-
14 sation for each workday during which a rest period is interrupted or not
15 provided, and shall be provided with an equivalent rest period as soon
16 as practicable thereafter during such emergency medical technician's
17 shift.

18 (iii) At the end of each pay period, an emergency medical technician
19 shall be furnished with an itemized statement of the total hours paid or
20 owed due to an interrupted rest period or rest period that was not
21 provided in accordance with this paragraph. This statement may be
22 included as part of the payroll statement issued for the pay period.

23 3. (a) An emergency medical technician engaged in prehospital emergen-
24 cy medical services for a work period of more than five hours per day
25 shall be provided a meal period of not less than thirty minutes, except
26 that if the total work period per day of the employee is no more than
27 six hours, the meal period may be waived by mutual consent of both the
28 department and the collective bargaining representative of the emergency
29 medical technician.

30 (b) During the meal period provided for in this subdivision, an emer-
31 gency medical technician shall be relieved of all duties and the depart-
32 ment shall relinquish control over the use of such time by such emergen-
33 cy medical technician, except that an emergency medical technician may
34 be required to monitor pagers, radios, station alert boxes, intercoms,
35 cellular telephones, or other communication methods during such time.

36 (c) (i) The department may interrupt a meal period and require an
37 emergency medical technician to terminate the meal period and resume
38 work in the event of an unforeseeable natural or man-made disaster.

39 (ii) In the event that a meal period is interrupted pursuant to
40 subparagraph (i) of this paragraph or not provided to an emergency
41 medical technician for any other reason, such emergency medical techni-
42 cian shall be paid one hour of pay at his or her regular rate of compen-
43 sation for each workday during which the meal period is interrupted or
44 not provided as scheduled, and shall be provided with an equivalent meal
45 period as soon as practicable thereafter during such emergency medical
46 technician's shift.

47 (iii) At the end of each pay period, an emergency medical technician
48 shall be furnished with an itemized statement of the total hours paid or
49 owed due to an interrupted meal period or a meal period that was not
50 provided in accordance with this paragraph. This statement may be
51 included as part of the payroll statement issued for the pay period.

52 4. An emergency medical technician who, for purposes of awaiting
53 dispatch, is stationed at a location within one thousand feet of a fire-
54 house in use by the department may choose the firehouse as an alternate
55 location for performing his or her duties while awaiting dispatch.

§ 2. The administrative code of the city of New York is amended by adding a new section 12-140 to read as follows:

§ 12-140 Emergency medical technicians rights and working conditions.
a. As used in this section, the following terms shall have the following meanings unless otherwise specified:

(1) "Emergency medical technician" shall mean a person employed by the fire department of the city of New York in a title whose duties are those of an emergency medical technician or advanced emergency medical technician, as those terms are defined in section three thousand one of the public health law, or whose duties require the direct supervision of such employees whose duties are those of an emergency medical technician or advanced emergency medical technician.

(2) "Department" shall mean the fire department of the city of New York.

b. (1) An emergency medical technician engaged in prehospital emergency medical services whose scheduled shift or hours worked is at least four hours shall be authorized and permitted to take rest periods that, to the extent practicable, shall be in the middle of each work period. The duration of such authorized rest periods shall be based on the total hours worked daily at the rate of ten minutes rest time for every four hours worked. A rest period is not required for an emergency medical technician whose total daily work time is less than four hours. Authorized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(2) During the authorized rest period provided for in this subdivision, an emergency medical technician shall be relieved of all duties and the department shall relinquish control over the use of such time by such emergency medical technician, provided, however, that an emergency medical technician may be required to monitor pagers, radios, station alert boxes, intercoms, cellular telephones, or other communication methods during such time.

(3) (i) The department may interrupt a rest period and require an emergency medical technician to terminate his or her rest period and resume work in the event of an unforeseeable natural or man-made disaster.

(ii) In the event that a rest period is interrupted pursuant to subparagraph (i) of this paragraph or not provided to an emergency medical technician for any other reason, such emergency medical technician shall be paid one hour of pay at his or her regular rate of compensation for each workday during which a rest period is interrupted or not provided, and shall be provided with an equivalent rest period as soon as practicable thereafter during such emergency medical technician's shift.

(iii) At the end of each pay period, an emergency medical technician shall be furnished with an itemized statement of the total hours paid or owed due to an interrupted rest period or rest period that was not provided in accordance with this paragraph. This statement may be included as part of the payroll statement issued for the pay period.

c. (1) An emergency medical technician engaged in prehospital emergency medical services for a work period of more than five hours per day shall be provided a meal period of not less than thirty minutes, except that if the total work period per day of the employee is no more than six hours, the meal period may be waived by mutual consent of both the department and the collective bargaining representative of the emergency medical technician.

1 (2) During the meal period provided for in this subdivision, an emer-
2 gency medical technician shall be relieved of all duties and the depart-
3 ment shall relinquish control over the use of such time by such emergen-
4 cy medical technician, except that an emergency medical technician may
5 be required to monitor pagers, radios, station alert boxes, intercoms,
6 cellular telephones, or other communication methods during such time.

7 (3) (i) The department may interrupt a meal period and require an
8 emergency medical technician to terminate the meal period and resume
9 work in the event of an unforeseeable natural or man-made disaster.

10 (ii) In the event that a meal period is interrupted pursuant to
11 subparagraph (i) of this paragraph or not provided to an emergency
12 medical technician for any other reason, such emergency medical techni-
13 cian shall be paid one hour of pay at his or her regular rate of compen-
14 sation for each workday during which the meal period is interrupted or
15 not provided as scheduled, and shall be provided with an equivalent meal
16 period as soon as practicable thereafter during such emergency medical
17 technician's shift.

18 (iii) At the end of each pay period, an emergency medical technician
19 shall be furnished with an itemized statement of the total hours paid or
20 owed due to an interrupted meal period or a meal period that was not
21 provided in accordance with this paragraph. This statement may be
22 included as part of the payroll statement issued for the pay period.

23 d. An emergency medical technician who, for purposes of awaiting
24 dispatch, is stationed at a location within one thousand feet of a fire-
25 house in use by the department may choose the firehouse as an alternate
26 location for performing his or her duties while awaiting dispatch.

27 § 3. This act shall take effect immediately.