STATE OF NEW YORK

3726--A

2017-2018 Regular Sessions

IN SENATE

January 26, 2017

Introduced by Sens. MONTGOMERY, COMRIE, PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to use of accrued sick time, compensation time or vacation time

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

Section 1. The civil service law is amended by adding a new section 159-d to read as follows:

§ 159-d. Payment in lieu of workers' compensation payments. 1. Every public officer, employee of this state, county, community college, public authority, public benefit corporation, board of cooperative educational services (BOCES), vocational education and extension board, school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, municipality, school district or participating employer in the New York state and local employees' retirement system or a participating employer in the New York state teachers' retirement system who has suffered a work related injury shall be entitled to use accrued sick time, compensation time or vacation time where any such employee is injured but has not yet become covered under the provisions of the workers' compensation law.

2. The provisions of this section shall not apply to any employees subject to a collective bargaining agreement as of the effective date of this section. An employee organization may, pursuant to collective bargaining, opt in to the provisions of this section on behalf of those public employees it is either certified or recognized to represent, within the meaning of article fourteen of this chapter, or may alternatively bargain for benefits greater or less than those provided for by

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

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this section. An employee organization that has opted in to the provisions of this section may, pursuant to collective bargaining, opt out of it as is mutually agreed upon between the employee organization and any public employer.

3. Nothing set forth in this section shall be construed to impede, infringe or diminish the rights and benefits that accrue to employees and employers through collective bargaining agreements, or otherwise diminish the integrity of the collective bargaining relationship.

§ 2. This act shall take effect immediately.