STATE OF NEW YORK

3378

2019-2020 Regular Sessions

IN SENATE

February 6, 2019

Introduced by Sen. GOUNARDES -- 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 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:

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

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

(a) "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.

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

2. (a) 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. Author-

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

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ized rest period time shall be counted as hours worked for which there shall be no deduction from wages.

(b) 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.

(c) (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.

3. (a) 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.

(b) During the meal 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, except 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.

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

(ii) In the event that a meal 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 the meal period is interrupted or not provided as scheduled, and shall be provided with an equivalent meal 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 meal period or a meal 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.

4. An emergency medical technician who, for purposes of awaiting dispatch, is stationed at a location within one thousand feet of a firehouse in use by the department may choose the firehouse as an alternate 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.

(2) During the meal 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, except 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 meal period and require an emergency medical technician to terminate the meal period and resume work in the event of an unforeseeable natural or man-made disaster.

(ii) In the event that a meal 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 the meal period is interrupted or not provided as scheduled, and shall be provided with an equivalent meal 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 meal period or a meal 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.

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

§ 3. This act shall take effect immediately.