

# STATE OF NEW YORK

1583--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. JEAN-PIERRE, COLTON, SAYEGH, LAVINE, DICKENS, COOK, PALMESANO, DeSTEFANO, ASHBY, GOTTFRIED, SIMON, TAYLOR, FERNANDEZ, MONTESANO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 vacation time

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  
2 159-d to read as follows:

3 § 159-d. Use of accrued vacation time towards student loan payments.  
4 1. Every public officer, employee of this state, county, community  
5 college, public authority, public benefit corporation, board of cooper-  
6 ative educational services (BOCES), vocational education and extension  
7 board, school district enumerated in section one of chapter five hundred  
8 sixty-six of the laws of nineteen hundred sixty-seven, municipality,  
9 school district or participating employer in the New York state and  
10 local employees' retirement system or a participating employer in the  
11 New York state teachers' retirement system shall be entitled to use  
12 accrued vacation time toward the payment of student loans.

13 2. The provisions of this section shall not apply to any employees  
14 subject to a collective bargaining agreement as of the effective date of  
15 this section. An employee organization may, pursuant to collective  
16 bargaining, opt in to the provisions of this section on behalf of those  
17 public employees it is either certified or recognized to represent,  
18 within the meaning of article fourteen of this chapter, or may alterna-  
19 tively bargain for benefits greater or less than those provided for by  
20 this section. An employee organization that has opted in to the

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

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1 provisions of this section may, pursuant to collective bargaining, opt  
2 out of it as is mutually agreed upon between the employee organization  
3 and any public employer.

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

8 4. For the purposes of this section:

9 a. "Student loan" shall mean any loan to a borrower to finance postse-  
10 condary education or expenses related to postsecondary education.

11 b. "Federal student loan" means (i) any student loan issued pursuant  
12 to the William D. Ford Federal Direct Loan Program; (ii) any student  
13 loan issued pursuant to the Federal Family Education Loan Program, which  
14 was purchased by the government of the United States pursuant to the  
15 federal Ensuring Continued Access to Student Loans Act and is presently  
16 owned by the government of the United States; and (iii) any other  
17 student loan issued pursuant to a federal program that is identified by  
18 the superintendent as a "federal student loan" in a regulation.

19 5. The president shall promulgate any rules and regulations necessary  
20 for the implementation of this section.

21 § 2. This act shall take effect on the one hundred eightieth day after  
22 it shall have become a law.