STATE OF NEW YORK

2317--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. SIMON, COOK -- Multi-Sponsored by -- M. of A. REYES -- 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 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. Any public officer, employee of the state, county, community college, public authority, public benefit corporation, board of cooperative educational services (BOCES), vocational education and extension board, or a school district enumerated in section one of chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, municipality, school district or any employee of a participating employer in the New York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system who is required to serve a waiting period pursuant to the workers' compensation law, or who is not receiving indemnity benefits as a result of the controversion of their claim, may use any accrued time, including but not limited to, sick time, compensation time, personal time, or vacation time, during such waiting period. An employer shall not require an employee to utilize any accrued time during such waiting period or period of controversion.

2. Where an employee has used accrued time, including but not limited to sick time, compensation time, personal time or vacation time, and it is subsequently determined that no waiting period is required, or the

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

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employee is determined to have been entitled to benefits during a period of controversion, the employee shall be entitled to full restoration of time charged.

3. The provisions of this section shall not apply to any employee subject to a collective bargaining agreement. 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 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.

4. 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.