STATE OF NEW YORK

5096--A

Cal. No. 613

2021-2022 Regular Sessions

IN SENATE

February 23, 2021

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the civil service law, in relation to transfer of sick 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. Transfer of sick time. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "donor" shall mean an individual who donates sick time to a fellow employee;

(b) "recipient" shall mean an individual who receives donated sick time from a fellow employee;

(c) "fellow employee" shall mean an individual employed under the jurisdiction of the same civil service commission as another;

(d) "state commission" shall have the same meaning as defined in subdivision one of section two of this chapter; and

(e) "municipal commission" shall have the same meaning as defined in subdivision four of section two of this chapter.

2. Every public officer, employee of this state, employee of any county, employee of any community college, employee of any public authority, employee of any public benefit corporation, employee of any board of cooperative educational services (BOCES), employee of any 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, employee of any municipality, employee of any school district or any employee of a participating employer in the New

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

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York state and local employees' retirement system or any employee of a participating employer in the New York state teachers' retirement system shall be entitled to transfer or receive sick time from a fellow employee.

3. In order to transfer such sick time the following restrictions shall apply:

(a) An employee under the jurisdiction of the state commission shall only be permitted to receive donated sick time from a fellow employee under the jurisdiction of the state commission;

(b) An employee under the jurisdiction of any municipal commission shall only be permitted to receive donated sick time from a fellow employee under the jurisdiction of the same municipal commission;

(c) An employee under the jurisdiction of a school district shall only be permitted to receive donated sick time from a fellow employee under the jurisdiction of the same school district;

(d) A recipient shall only be permitted to receive and use donated sick time from a fellow employee if such recipient has exhausted all personal sick time. Personal sick time shall be deemed exhausted when an employee has a balance of zero hours or less than the number of hours necessary to complete approved sick leave; and

(e) An employer may reserve the right to require that employees provide a written referral from a physician or other duly authorized health care provider or proof of familial emergency for such sick leave to be approved.

4. Nothing in this section shall be deemed to supersede or diminish the terms, rights, privileges, or remedies of any employee under any collective bargaining agreement or employment contract.

§ 2. This act shall take effect immediately.