

# STATE OF NEW YORK

6328

2021-2022 Regular Sessions

## IN SENATE

April 22, 2021

Introduced by Sen. RAMOS -- 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, 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:

1 Section 1. The civil service law is amended by adding a new section  
2 159-d to read as follows:

3 § 159-d. Payment in lieu of workers' compensation payments. 1. Any  
4 public officer, employee of the state, county, community college, public  
5 authority, public benefit corporation, board of cooperative educational  
6 services (BOCES), vocational education and extension board, or a school  
7 district enumerated in section one of chapter five hundred sixty-six of  
8 the laws of nineteen hundred sixty-seven, municipality, school district  
9 or any employee of a participating employer in the New York state and  
10 local employees' retirement system or any employee of a participating  
11 employer in the New York state teachers' retirement system who is  
12 required to serve a waiting period pursuant to the workers' compensation  
13 law, or who is not receiving indemnity benefits as a result of the  
14 controversion of their claim, may use any accrued time, including but  
15 not limited to, sick time, compensation time, personal time, or vacation  
16 time, during such waiting period. An employer shall not require an  
17 employee to utilize any accrued time during such waiting period or peri-  
18 od of controversion.

19 2. Where an employee has used accrued time, including but not limited  
20 to sick time, compensation time, personal time or vacation time, and it  
21 is subsequently determined that no waiting period is required, or the  
22 employee is determined to have been entitled to benefits during a period  
23 of controversion, the employee shall be entitled to full restoration of  
24 time charged.

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

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1     3. The provisions of this section shall not apply to any employee  
2 subject to a collective bargaining agreement. An employee organization  
3 may, pursuant to collective bargaining, opt in to the provisions of this  
4 section on behalf of those public employees it is either certified or  
5 recognized to represent, within the meaning of article fourteen of this  
6 chapter, or may alternatively bargain for benefits greater or less than  
7 those provided for by this section. An employee organization that has  
8 opted in to the provisions of this section may, pursuant to collective  
9 bargaining, opt out of it as is mutually agreed upon between the employ-  
10 ee organization and any public employer.

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

15     § 2. This act shall take effect immediately.