STATE OF NEW YORK

1998

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. JEAN-PIERRE, COLTON, SAYEGH, LAVINE, DICKENS, COOK, DeSTEFANO, PALMESANO, SIMON, TAYLOR -- read once and referred to the Committee on Governmental Employees

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:

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

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

2. The provisions of this section shall not apply to any employees subject to a collective bargaining agreement as of the effective date of this section. 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.

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

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3. 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.

4. For the purposes of this section:

a. "Student loan" shall mean any loan to a borrower to finance postsecondary education or expenses related to postsecondary education.

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

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

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