STATE OF NEW YORK

5782

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to protections for employees of the metropolitan transportation authority or contractors of Nassau and Suffolk counties providing public transportation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public authorities law is amended by adding a new section 1279-m to read as follows:

§ 1279-m. Transportation carrier employee attendance policies. 1. For the purposes of this section, "employee" means a person employed by the metropolitan transportation authority, a subordinate agency, authority, or corporation of such authority, or a contractor of the counties of Nassau and Suffolk providing public transportation.

2. No employee shall be subject to disciplinary action by the metropolitan transportation authority, a subordinate agency, authority, or corporation of such authority, or a contractor of the counties of Nassau and Suffolk engaged in providing public transportation for any documented paid or unpaid period of absence from their position if such period of absence is directly related to the following:

(a) On-duty or off-duty injury;

(b) Occupationally related or non-occupationally related illness;

(c) Contagious or non-contagious infection;

(d) Chronic medical condition; or

(e) Any appointment with a doctor, surgeon, dentist, or other licensed treatment provider in connection with the diagnosis or treatment of an on-duty or off-duty injury, occupationally related or non-occupationally related illness, contagious or non-contagious infection, and/or chronic medical condition.

3. The metropolitan transportation authority, subordinate agencies, authorities, or corporations of such authority, and contractors of the

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

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counties of Nassau and Suffolk engaged in providing public transportation shall not:

(a) Take any actions which may inhibit the ability of an employee from seeking diagnostic and/or treatment services for any of the conditions listed in subdivision two of this section. Such actions include, but are not limited to, requiring such employees to remain at their place of residence and penalizing such employees for the purposes of preventing such employees from receiving in-person diagnostic and/or treatment services by a licensed doctor, surgeon, pharmacist, dentist, or any other licensed provider of such services;

(b) Subject an employee to any disciplinary action for failure to report for duty during a state of emergency declared by the governor pursuant to executive order during which access to the interstate highways within the counties of Suffolk, Nassau, Queens, Kings, Richmond, New York, Bronx, Westchester, Putnam, Dutchess, Rockland, Orange, and Ulster are restricted pursuant to an order of a law enforcement agency;

(c) Apply any lateness or period of absence of an employee towards any policy on employee attendance during a state of emergency declared by the governor pursuant to executive order; or

(d) Subject an employee to disciplinary action for failure to report for duty as a result of such employee being compelled by summons or subpoena to appear in either a federal court or any court under the unified court system of the state of New York as either a defendant, plaintiff, or witness in any legal proceeding. This paragraph shall also apply to depositions in connection with a legal action in which such employee has been compelled by subpoena to give testimony.

4. The metropolitan transportation authority, subordinate agencies, authorities, or corporations of such authority, and contractors of the counties of Nassau and Suffolk engaged in providing public transportation shall modify all attendance-based disciplinary policies currently in effect to comply with this section within ninety days of the effective date of this section.

§ 2. This act shall take effect immediately.