

STATE OF NEW YORK

6078--A

2023-2024 Regular Sessions

IN SENATE

March 28, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

3 § 1279-m. Transportation carrier employee attendance policies. 1. For
4 the purposes of this section, "employee" means a person employed by the
5 metropolitan transportation authority, a subordinate agency, authority,
6 or corporation of such authority, or a contractor of the counties of
7 Nassau and Suffolk providing public transportation.

8 2. No employee shall be subject to disciplinary action by the metro-
9 politan transportation authority, a subordinate agency, authority, or
10 corporation of such authority, or a contractor of the counties of Nassau
11 and Suffolk engaged in providing public transportation for any docu-
12 mented paid or unpaid period of absence from their position if such
13 period of absence is directly related to the following:

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

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

16 (c) Contagious or non-contagious infection;

17 (d) Chronic medical condition; or

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

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

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1 3. The metropolitan transportation authority, subordinate agencies,
2 authorities, or corporations of such authority, and contractors of the
3 counties of Nassau and Suffolk engaged in providing public transporta-
4 tion shall not:

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

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

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

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

29 4. The metropolitan transportation authority, subordinate agencies,
30 authorities, or corporations of such authority, and contractors of the
31 counties of Nassau and Suffolk engaged in providing public transporta-
32 tion shall modify all attendance-based disciplinary policies currently
33 in effect to comply with this section within ninety days of the effec-
34 tive date of this section.

35 § 2. This act shall take effect immediately.