

STATE OF NEW YORK

5173

2023-2024 Regular Sessions

IN ASSEMBLY

March 3, 2023

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the
Committee on Governmental Employees

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 Assem-
bly, do enact as follows:

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

3 § 159-e. Transfer of sick time. 1. For purposes of this section, the
4 following terms shall have the following meanings:

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

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

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

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

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

15 2. Every public officer, employee of this state, employee of any coun-
16 ty, employee of any community college, employee of any public authority,
17 employee of any public benefit corporation, employee of any board of
18 cooperative educational services (BOCES), employee of any vocational
19 education and extension board, or a school district enumerated in
20 section one of chapter five hundred sixty-six of the laws of nineteen
21 hundred sixty-seven, employee of any municipality, employee of any
22 school district or any employee of a participating employer in the New
23 York state and local employees' retirement system or any employee of a
24 participating employer in the New York state teachers' retirement system

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

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1 shall be entitled to transfer or receive sick time from a fellow employ-
2 ee.

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

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

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

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

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

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

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

26 § 2. This act shall take effect immediately.