

STATE OF NEW YORK

11245

IN ASSEMBLY

May 1, 2026

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

AN ACT to amend the civil service law, in relation to authorizing workforce stabilization leave and alternative compensation for certain correctional employees during a qualifying emergency period; and providing for the repeal of such provisions upon expiration thereof

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 82-d to read as follows:

3 § 82-d. Workforce stabilization leave during correctional staffing
4 emergencies. 1. Definitions. For the purposes of this section:

5 (a) "Department" shall mean the department of corrections and communi-
6 ty supervision.

7 (b) "Commissioner" shall mean the commissioner of the department of
8 corrections and community supervision.

9 (c) "Correctional facility" shall have the same meaning as set forth
10 in section two of the correction law.

11 (d) "Staffing emergency" shall mean a condition in which:

12 (i) the vacancy rate for correctional officer positions within a
13 facility or statewide exceeds ten percent;

14 (ii) mandatory overtime exceeds an average of sixteen hours per
15 employee per week over a four-week period; or

16 (iii) other critical operational criteria established by the commis-
17 sioner in consultation with the director of the budget are met.

18 (e) "Qualifying emergency period" shall mean:

19 (i) a staffing emergency declared by the commissioner pursuant to
20 subdivision two of this section; or

21 (ii) a disaster emergency declared pursuant to section twenty-eight of
22 the executive law that affects staffing levels or operations within
23 correctional facilities.

24 (f) "Eligible employee" shall mean any public officer or employee of
25 the state employed as a correctional officer or otherwise directly

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

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1 involved in the custody and supervision of incarcerated individuals at a
2 state correctional facility.

3 2. Declaration and reporting. (a) The commissioner may declare a
4 staffing emergency for a specific facility, region, or statewide, upon a
5 written determination that conditions defined in paragraph (d) of subdi-
6 vision one of this section have been met.

7 (b) Any such declaration shall:

8 (i) specify the affected facilities or regions;

9 (ii) include the factual basis and data supporting such declaration;
10 and

11 (iii) be posted publicly on the department's website within five busi-
12 ness days.

13 3. Workforce stabilization leave. (a) During a qualifying emergency
14 period, eligible employees who have performed active duty for a minimum
15 of ten days in a calendar month may request up to three days of non-cu-
16 mulative workforce stabilization leave per calendar month.

17 (b) Such leave shall be subject to operational needs and shall not be
18 unreasonably denied.

19 (c) The department shall make reasonable efforts to equitably distrib-
20 ute approval of such leave among employees.

21 4. Alternative compensation. (a) Where an eligible employee is unable
22 to utilize their workforce stabilization leave during a calendar month
23 due to operational necessity, or where a formal request for such leave
24 is denied, such employee shall receive alternative compensation.

25 (b) Such alternative compensation shall be calculated at a rate not to
26 exceed one and one-half times the employee's regular hourly rate of pay
27 independent of shift differentials, location pay, or other premium
28 payments, for the equivalent hours of such employee's standard daily
29 scheduled shift for each day of denied leave. Such alternative compen-
30 sation shall be paid no later than the second payroll period following
31 the month in which the leave was denied or unused.

32 (c) Total alternative compensation under this subdivision shall not
33 exceed the equivalent of three days per month per employee.

34 (d) Compensation provided pursuant to this subdivision shall not be
35 considered salary or wages for the purposes of computing retirement
36 system benefits.

37 5. Collective bargaining. Nothing set forth in this section shall be
38 construed to impede, infringe, or diminish the rights and benefits which
39 accrue to employees through bona fide collective bargaining agreements,
40 or otherwise diminish the integrity of the existing collective bargain-
41 ing relationship.

42 6. Rules and regulations. The commissioner is authorized to promulgate
43 any rules and regulations necessary to implement the provisions of this
44 section.

45 7. Severability. If any clause, sentence, paragraph, or subdivision of
46 this section shall be adjudged by any court of competent jurisdiction to
47 be invalid, such judgment shall not affect, impair, or invalidate the
48 remainder thereof, but shall be confined in its operation to the clause,
49 sentence, paragraph, or subdivision thereof directly involved in the
50 controversy in which such judgment shall have been rendered. It is here-
51 by declared to be the intent of the legislature that this section would
52 have been enacted even if such invalid provisions had not been included
53 herein.

54 § 2. This act shall take effect on the ninetieth day after it shall
55 have become a law and shall expire five years after such effective date
56 when upon such date the provisions of this act shall be deemed repealed.