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:

Section 1. The civil service law is amended by adding a new section 82-d to read as follows:

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

(a) "Department" shall mean the department of corrections and community supervision.

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

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

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

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

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

(iii) other critical operational criteria established by the commissioner in consultation with the director of the budget are met.

(e) "Qualifying emergency period" shall mean:

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

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

(f) "Eligible employee" shall mean any public officer or employee of 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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involved in the custody and supervision of incarcerated individuals at a state correctional facility.

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

(b) Any such declaration shall:

(i) specify the affected facilities or regions;

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

(iii) be posted publicly on the department's website within five business days.

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

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

(c) The department shall make reasonable efforts to equitably distribute approval of such leave among employees.

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

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

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

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

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

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

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

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