§ 202-l. Leave of absence for volunteer emergency responders. 1. During the time that an emergency exists following a declaration of such emergency pursuant to section twenty-four or twenty-eight of the executive law, an employee may request and shall be granted a leave of absence from his or her employer while engaged in the actual performance of his or her duties as, (a) a volunteer firefighter, or (b) an enrolled member of a volunteer ambulance service pursuant to article thirty of the public health law unless the employer determines that the employee's absence would impose an undue hardship on the conduct of the employer's business as defined by paragraph (d) of subdivision ten of section two hundred ninety-six of the executive law.

2. Subdivision one of this section shall apply only when:

(a) The employer has previously received written documentation from the head of the employee's volunteer fire department or volunteer ambulance service, as applicable, notifying the employer of the employee's status as a volunteer firefighter or member of a volunteer ambulance service; and

(b) The employee's duties as a volunteer firefighter or member of a volunteer ambulance service are related to the declared emergency.

3. The entire period of the authorized leave of absence granted pursuant to this section shall either be unpaid excused leave for employees who are subject to the overtime provisions of this chapter, the federal fair labor standards act and regulations promulgated thereunder, or may otherwise be charged against any other leave to which such employee is entitled, as determined by the employee.

4. Upon the employer's request, an employee who has been granted a leave of absence in accordance with this section shall provide his or her employer with a notarized statement from the head of the volunteer fire department or volunteer ambulance service, as applicable, certifying the period of time, or times, that said employee responded to any emergency pursuant to this section.

5. 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. As used in this section, employer does not include the state. Nothing set forth in this section shall be construed as superseding, limiting, or otherwise affecting the provisions of section eighty-two-a of the civil service law, providing for authorized absences for public officers and employees of the state.