Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to granting voluntary leaves of absence in times of fiscal crisis.

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12/31/2009	*	City Council	Filed (End of Session)	

Int. No. 1024
By Council Members Stewart and James

..Title
A Local Law to amend the administrative code of the city of New York, in relation to granting voluntary leaves of absence in times of fiscal crisis.
..Body

Be it enacted by the Council as follows:
Section 1. Section 12-123 of the administrative code of the city of New York is hereby amended to read as follows:
§12-123 Leaves of absence. a. Authorizing leaves of absence with pay, for employees of the city to attend conventions, encampments, or parades. The mayor is hereby empowered to authorize the head of any agency, in the mayor's discretion, to grant to an employee in any such agency, including per diem employees, a leave of absence with pay for the purpose of attending a convention, encampment or parade of any organization composed of veterans of the wars in which the United States has participated, or a convention of any firefighter's association or other organization composed of active or exempt volunteer [firefighter] firefighters, if such employee is a member of such organization or association, and does actually attend such convention, encampment or parade.
b. Voluntary leaves of absence without pay. In lieu of layoffs, the mayor is hereby empowered after consultation with interested employee organizations and administrators of public services, to establish departmental policies and procedures for the administration of a voluntary furlough program by agencies. Under said program, agencies may permit any employee to apply for and receive a leave of absence, subject to the approval process determined by the mayor. The duration of such leave of absence shall be determined at least 30 days prior to the start of such leave, and confirmed in writing to the employee. Any employee who commences a voluntary leave of absence pursuant to this subdivision may request in writing changes to the duration of a granted leave of absence at any point, and such agency shall inform such employee of its decision in writing, regarding such request within five business days of receipt. During the period of such leave of absence, such employee shall receive no pay, but in accordance with the departmental policy and procedure approved by the mayor, such employee can receive any health benefits that he or she would have received had he or she been attending work. Such leave of absence shall not in any way affect the retirement rights of such employee as a member of a retirement system. Upon completion of such leave of absence, such employee may not be guaranteed a return to his or her original position, but shall be guaranteed the right to return to active service in his or her job title. Such leave of absence shall in no way affect the likelihood of such employee being terminated upon his or her return to

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work. This subdivision shall in no way diminish the rights of employees subject to collective bargaining.
§2. This local law shall take effect immediately.

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