

Breast and Prostate Cancer Screening

Effective August 20, 2008, every public officer and employee of the state and of any county, community college, public authority, public benefit corporation, BOCES, vocational education and extension board, school district, municipality and *participating employer in the New York State and Local Employees' Retirement System* or a participating employer in the New York State Teachers' Retirement System are entitled to take an excused paid leave for breast and prostate cancer screening. The justification for this expansion, according to the sponsors of the bill, is that "early screening is extremely important in detecting cancer, treating it and reducing costs of care. It is critical that this law be extended for in the long-run it saves lives and money."

While many employee groups hope to seize on the passage of this amendment and have additional legislation passed which would entitle employees to paid leave for additional forms of cancer, public employers may take some solace in comments made by Governor Paterson upon signing the bill. In a memo he attached to the signed bill, Governor Paterson remarked that "Continuous expansion of permissible paid absences, however, can quickly become an undue burden on public employers. For that reason, I wish to clarify that my endorsement of this legislation should not be taken to mean that I believe that this bill should be a template to be followed with the legislative imposition of additional leaves. To the contrary, I think this bill provides a good opportunity to set a boundary. I think the time has come to limit further expansion."

To summarize, essentially all public employees are entitled to take up to four hours of paid leave for prostate cancer screening, as well as up to four hours for breast cancer screening. Furthermore, this paid leave is not to be deducted from accrued leave. According to Civil Service guidelines, physical examinations, blood work, as well as the travel time to and from these screenings, are all included in this four hour cap. Absence beyond the four hour cap must be charged to leave credits. Employees who undergo screenings outside their regular work schedules do so on their own time. For example, employees are not granted compensatory time off for breast or prostate cancer screenings that occur on unscheduled days or holidays. Medical documentation that the employee's absence was for the purpose of breast or prostate cancer screening is required.

Approved by the Board of Trustees
October 21, 2008