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# LABOR & EMPLOYMENT LAW ALERT

## New NY State Law Requires Employers to Grant Leaves of Absence for Volunteer Emergency Responders

Private and public sector employers in New York State will be required under most circumstances to grant unpaid leaves of absence to employees who are emergency responders under a new state law (S. 7111) that takes effect December 22, 2014.

The law requires that leave time be granted to volunteer firefighters and members of volunteer ambulance services who respond as such during any period of time the Governor of New York State has declared a state of emergency.

The purpose of the law is to provide job protection for volunteer responders who are called upon to assist in emergencies throughout the state, an all too common experience.

To be eligible for a leave, an employee must provide his/her employer with prior written documentation from the head of the employee's volunteer fire department or volunteer ambulance service notifying the employer of the employee's status as a volunteer firefighter or member of a volunteer ambulance service. Additionally, the employee's volunteer duties must be related to the declared emergency.

The leave may be taken as unpaid excused leave or charged as to any form of paid leave to which the employee is otherwise entitled, such as vacation, as determined by the employee.

The employer may also direct the employee to provide a notarized statement from the head of the employee's volunteer fire department or volunteer ambulance service certifying the period of time during which the employee responded to the emergency.

Employers may be granted a waiver from the leave requirements, but only upon a showing that the employee's absence would cause an undue hardship on the conduct of the employer's business as defined by Section 296(10)(d) of the New York Executive Law.

**For guidance with the implementation of this new law, please do not hesitate to contact one of our Firm's labor and employment law attorneys identified below.**


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|---|---|---|
| Melinda Burdick Bowe | 315.565.4507 | mbowe@hancocklaw.com |
| John F. Corcoran | 315.565.4515 | jcorcoran@hancocklaw.com |
| Lindsey H. Hazelton | 315.565.4527 | lhazelton@hancocklaw.com |
| John T. McCann | 315.565.4540 | jmccann@hancocklaw.com |
| Robert J. Thorpe | 315.565.4555 | rthorpe@hancocklaw.com |
| Robert C. Whitaker, Jr. | 315.565.4557 | rwhitaker@hancocklaw.com |


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