

COURT NOTICES

AMENDMENT OF RULE

Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, section 24.5(d), 24.6(f), (h), (k), and (l) and add section 24.6(m) of the Rules of the Chief Judge, by adding the underlined material and deleting the stricken material, relating to Workers' Compensation leave and Other leaves with pay as follows:

Section 24.5 Workers' compensation leave.

(d) An employee required to serve a waiting period pursuant to [subdivision] *subsection* (b) of this [section] *subdivision* shall have the option of using accrued leave credits or being placed on leave without pay. When an employee has charged credits, upon receipt of documentation from the State Insurance Fund issuing a credit for the time charged, the employee shall be entitled to restoration of credits charged proportional to the net monetary award credited to the Unified Court System by the Workers' Compensation Board. *In the event the restoration of credits is not sufficient to restore the full amount of accrued leave used during the waiting period, the State shall credit to the employees' leave accruals the difference between the accrued leave used and the Workers' Compensation Board Credit.*

Section 24.6 Other leaves with pay.

(f) *Bereavement Leave.* [Death in the immediate family. Leave of up to four consecutive workdays (not to exceed a total of 28 work hours) shall be allowed immediately following the death of an employee's spouse; domestic partner; natural, foster or step: parent, child, brother or sister; father-in-law or mother-in-law; grandparent or grandchild; or any relative residing with the employee or an individual for whom the employee has been the primary caregiver. Leave of up to two consecutive workdays (not to exceed a total of 14 work hours) shall be allowed immediately following the death of an employee's son-in-law or daughter-in-law. Prior notice and authorization is not required for leave under this subdivision. When a death in an employee's family occurs while the employee is on annual leave, such time as is excusable for death in the family shall not be charged to annual leave.]

(1) Leave of up to four consecutive workdays (not to exceed a total of 28 work hours) shall be allowed immediately following the death of an employee's spouse; domestic partner; natural, foster or step: parent, child, brother or sister; father-in-law or mother-in-law; parent of a domestic partner; grandparent or grandchild; any relative residing with the employee; or an individual for whom the employee has been the primary caregiver.

(2) Leave of up to two consecutive workdays (not to exceed a total of 14 work hours) shall be allowed immediately following the death of an employee's son-in-law or daughter-in-law.

(3) Leave of up to one day (not to exceed a total of 7 work hours) shall be allowed immediately following the death of an employee's brother-in-law or sister-in-law.

(4) In exceptional cases where the deceased is unavailable for burial or services, or when there is a delayed memorial service, the Chief Administrator (or his/her designee) may, in his/her discretion, upon an employee's request, waive the requirement that bereavement leave is subject to the terms set forth in subsections (1) through (3) above.

(5) Prior notice and authorization is not required for leave under this subdivision. When a death in an employee's family occurs while the employee is on annual leave, such time is excusable for bereavement leave and shall not be charged to annual leave.

(h) *Extraordinary Circumstances.*

(1) An employee who has reported for duty and, because of extraordinary circumstances beyond his or her control, is directed to leave work, shall not be required to charge such directed absence during such day against leave credits. An employee who does not report for duty because of circumstances beyond his or her control shall not be required to charge such absence during such day against leave credits if the court or other facility where the employee is required to report is closed due to extraordinary circumstances. Any release or excusal of employees due to extraordinary circumstances does not create any right to equivalent time off by employees not adversely affected by the extraordinary circumstances. Only the administrative authority may direct employees to leave work.

(2) *Employees who are required to work when the court or facility where they report to work is closed due to extraordinary circumstances shall be credited with compensatory time for the time they worked.*

(k) Leaves for medical screening. An employee shall be entitled to leave with pay for breast cancer screening; and/or prostate cancer screening; and/or other types of cancer screening. *Employees shall also be entitled to leave with pay for [and] bone marrow screening and donation.*

(l) [The Chief Administrator of the Courts or his or her designee may grant leaves with pay for reasons not itemized in this Part.] *Leave for New York State Bar examination. Upon application to the administrative authority, together with proof satisfactory to the State, employees registered to take the New York State Bar examination shall be allowed two days leave with pay to take the Bar examination and, if necessary, one day leave with pay to review the results of such examination.*

(m) *The Chief Administrator of the Courts or his or her designee may grant leaves with pay for reasons not itemized in this Part.*

AMENDMENT OF RULE

Rules Governing Judicial Conduct

By the powers vested in me and with the approval of the Court of Appeals, I hereby amend sections 100.3(D)(2) and 100.5(A)(7) of the Rules Governing Judicial Conduct (22 NYCRR 100.3[D] and 100.5[A]), effective May 6, 2019, as follows (new material underlined, deleted material stricken):

Section 100.3 A judge shall perform the duties of judicial office impartially and diligently.

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(D) Disciplinary Responsibilities.

(1) A judge who receives information indicating a substantial likelihood that another judge has committed a substantial violation of this Part shall take appropriate action.

(2) A judge who receives information indicating a substantial likelihood that a lawyer has committed a substantial violation of the [Code of Professional Responsibility] *Rules of Professional Conduct* (22 NYCRR Part 1200) shall take appropriate action.

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Section 100.5 A judge or candidate for elective judicial office shall refrain from inappropriate political activity.

(A) Incumbent Judges and Others Running for Public Election to Judicial Office.

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[(7) Independent Judicial Election Qualifications Commissions, created pursuant to Part 150 of the Rules of the Chief Administrator of the Courts, shall evaluate candidates for elected judicial office, other than justice of a town or village court.]