



ESSAA

Empire State Supervisors &
Administrators Association

Supporting school leaders. Every day.

LEGISLATIVE UPDATE

Spring 2021

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NEW! Access up to the minute legislative tracking on the LEGISLATIVE ACTION PAGE of the new ESSAA website



Spotlight on Advocacy Priorities

- *Legalization of Marijuana*

On March 31, Governor Cuomo signed legislation legalizing adult-use cannabis. Legislation (S.854-A/A.1248-A), The New York State Marijuana Regulation and Taxation Act ("MRTA") establishes the Office of Cannabis Management, expands NY's existing medical marijuana program, establishes a licensing system and creates a "social and economic equity" program that is intended to encourage individuals disproportionately impacted by cannabis enforcement to participate in the industry. Resultant tax collection is projected to reach \$350 million annual and potentially create 30,000 to 60,000 jobs. The tax revenue will be deposited into the New York state cannabis revenue fund to cover reasonable administration and implementation costs. Remaining funds will be split as follows: 40% to education, 40% to community grant reinvestment funds, 20% to drug treatment and public education funds.

The signed legislation provides protections for the use of cannabis and workplace safety, most notably prohibiting against unlawful discrimination through an amendment to NYS Labor Law Section 201-d ("legal activities law"). This amendment prohibits an employer from refusing to hire, employ or license; discharge from employment or otherwise discriminate against an individual because of lawful cannabis use outside of work hours, off the employer's premises and without use of the employer's equipment or other property. An employment would not be in violation of the law where it takes action required by state or federal statute or mandate, if the employee is impaired by the use of cannabis, or if the employers' action would result in a violation of federal law, or loss of a federal contract or funding.

- *Early Retirement Incentives*

There is an active bill regarding a retirement incentive for public employees in New York State, including school district employees. The bill provides for an incentive under the limited circumstances in which an employee's position is being eliminated or in which the District will make up the cost of the salary by other reductions within two years. This incentive is likely to have little impact on our membership.

The bill also provides an incentive which would allow employees age fifty-five or older and with at least twenty-five years of service in the system to retire without penalty. This incentive has greater potential for benefit to our membership.

It is important to note, however, that the bill has not been passed into law, and even if it is, both incentives require local districts to opt-in to participation. Therefore, the applicability of the bill to you is dependent not only on passage by the State but participation by your employer.

Another bill related to early retirement is pending in the Assembly. There is no companion bill in the Senate. This bill establishes a temporary retirement incentive for certain public employees who are above age fifty-five and with twenty-five years of service. Unlike the other early retirement bills, this one removes the early retirement penalty for those who are 55 with 25 years of experience. It does not have a local option. ESSAA will monitor the bill and keep members apprised if it is likely to pass.

To view the Spring Legislative Update, click on the image above or click [HERE](#).