

STATE OF NEW YORK

4873

2021-2022 Regular Sessions

IN SENATE

February 17, 2021

Introduced by Sens. RAMOS, BAILEY, BENJAMIN, BIAGGI, GOUNARDES, HOYLMAN, JACKSON, KENNEDY, KRUEGER, MAY, MAYER, MYRIE, RIVERA, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to protecting employee freedom of speech and conscience

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs c and d of subdivision 2 of section 201-d of the
2 labor law, as added by chapter 776 of the laws of 1992, are amended to
3 read as follows:

4 c. an individual's legal recreational activities outside work hours,
5 off of the employer's premises and without use of the employer's equip-
6 ment or other property; ~~[ex]~~

7 d. an individual's membership in a union or any exercise of rights
8 granted under Title 29, USCA, Chapter 7 or under article fourteen of the
9 civil service law; or

10 e. an individual's refusal to: (i) attend an employer-sponsored meet-
11 ing with the employer or its agent, representative or designee, the
12 primary purpose of which is to communicate the employer's opinion
13 concerning religious or political matters; or (ii) listen to speech or
14 view communications, the primary purpose of which is to communicate the
15 employer's opinion concerning religious or political matters.

16 § 2. Section 201-d of the labor law is amended by adding two new
17 subdivisions 8 and 9 to read as follows:

18 8. Nothing in this section shall prohibit: (i) an employer or its
19 agent, representative or designee from communicating to its employees
20 any information that the employer is required by law to communicate, but
21 only to the extent of such legal requirement; (ii) an employer or its
22 agent, representative or designee from communicating to its employees
23 any information that is necessary for such employees to perform their

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 job duties; (iii) an institution of higher education, or any agent,
2 representative or designee of such institution, from meeting with or
3 participating in any communications with its employees that are part of
4 coursework, any symposia or an academic program at such institution;
5 (iv) casual conversations between employees or between an employee and
6 an agent, representative or designee of an employer, provided partic-
7 ipation in such conversations is not required; or (v) a requirement
8 limited to the employer's managerial and supervisory employees.

9 9. The provisions of this section shall not apply to a religious
10 corporation, entity, association, educational institution or society
11 that is exempt from the requirements of Title VII of the Civil Rights
12 Act of 1964 pursuant to 42 USC 2000e-1(a) with respect to speech on
13 religious matters to employees who perform work connected with the
14 activities undertaken by such religious corporation, entity, associ-
15 ation, educational institution or society.

16 § 3. This act shall take effect immediately.