S T A T E O F N E W Y O R K

2120

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. JOHN, NOLAN -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to retaliatory personnel action by employers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (i) of paragraph (d) of subdivision 1 of section 740 of the labor law, as added by chapter 660 of the laws of 1984, is amended to read as follows:

(i) the United States Congress, any state legislature, or any popularly-elected local governmental body, or any [member or employee thereof] EMPLOYEE, COMMITTEE, MEMBER OR COMMISSION OF THE LEGISLATIVE BRANCH OF GOVERNMENT OR A LEGISLATIVE BODY OF A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

S 2. Subdivision 2 of section 740 of the labor law, as added by chapter 660 of the laws of 1984, paragraph (a) as amended by chapter 442 of the laws of 2006, is amended to read as follows:

2. Prohibitions. An employer shall not take any retaliatory personnel action against an employee because such employee does any of the following:

(a) discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that THE EMPLOYEE REASONABLY BELIEVES is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health [or], safety OR RESOURCES, OR WHICH CONSTITUTES A SYSTEMIC BREACH OF DUTY TO A SIGNIFICANT SEGMENT OF EMPLOYEES, CLIENTS, CUSTOMERS, SHAREHOLDERS, OR CREDITORS WHO ARE HARMED OR IN IMMINENT DANGER OF HARM BY SUCH BREACH, OR WHICH CONSTITUTES A WORKPLACE HAZARD, or which constitutes health care fraud;

(b) provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such POLICY OR

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

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PRACTICE WHICH THE EMPLOYEE REASONABLY BELIEVES TO BE IN violation of a law, rule or regulation by such employer OR TO CONSTITUTE A WORKPLACE HAZARD; or

(c) objects to, or refuses to participate in any such activity, policy or practice WHICH THE EMPLOYEE REASONABLY BELIEVES TO BE in violation of a law, rule or regulation OR TO CONSTITUTE A WORKPLACE HAZARD.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.