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

2249

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. SCHROEDER, QUINN, P. RIVERA -- Multi-Sponsored by -- M. of A. BACALLES, BURLING, ERRIGO, FINCH, SALADINO, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to providing that employees who are suspended due to sexual offense charges may only receive salary if they provide security

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

Section 1. Section 3020-a of the education law is amended by adding a new subdivision 6 to read as follows:

6. SECURITY FOR WAGES IN CERTAIN CASES. (A) NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, AN EMPLOYEE WHO IS SUSPENDED ON CHARGES PURSUANT TO THIS SECTION FOR ACTS WITH A MINOR OR STUDENT WHICH IF PROVEN, WOULD CONSTITUTE A SEXUAL OFFENSE, PURSUANT TO ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW, INCEST, PURSUANT TO SECTIONS 255.25, 255.26 AND 255.27 OF THE PENAL LAW, OR DISSEMINATING INDECENT MATERIAL TO MINORS PURSUANT TO SECTIONS 235.21 AND 235.22 OF THE PENAL LAW, OR AN EMPLOYEE WHO IS SUSPENDED BECAUSE HE OR SHE IS ARRESTED ON SUCH CHARGES OR IS CONVICTED OF SUCH CHARGES, MAY ONLY RECEIVE HIS OR HER REGULAR WAGES, IF HE OR SHE FURNISHES THE SCHOOL DISTRICT A SUITABLE BOND, OR OTHER SECURITY ACCEPTABLE TO THE SUPERINTENDENT OR SCHOOL BOARD, AS A GUARANTEE THAT THE EMPLOYEE WILL REPAY THE SCHOOL DISTRICT THE AMOUNT OF WAGES PAID TO HIM OR HER DURING THE PERIOD OF SUSPENSION IN CASE THE EMPLOYEE IS CONVICTED OF THE CHARGES, OR FAILS OR REFUSES TO RETURN TO SERVICE FOLLOWING AN ACQUITTAL OR DISMISSAL OF THE CHARGES. IF THE EMPLOYEE IS ACQUITTED OF THE OFFENSE, OR THE CHARGES AGAINST THE EMPLOYEE ARE DISMISSED, THE SCHOOL DISTRICT SHALL REIMBURSE THE EMPLOYEE FOR THE COST OF THE BOND UPON HIS OR HER RETURN TO SERVICE IN THE SCHOOL DISTRICT.

(B) IF THE EMPLOYEE DOES NOT ELECT TO FURNISH BOND, OR OTHER SECURITY ACCEPTABLE TO THE SUPERINTENDENT OR SCHOOL BOARD OF THE DISTRICT, AND IF

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

LBD03237-01-9

THE EMPLOYEE IS ACQUITTED OF THE OFFENSE, OR THE CHARGES AGAINST HIM OR HER ARE DISMISSED, THE SCHOOL DISTRICT SHALL PAY TO THE EMPLOYEE HIS OR HER FULL COMPENSATION FOR THE PERIOD OF SUSPENSION UPON HIS OR HER RETURN TO SERVICE IN THE SCHOOL DISTRICT.

S 2. This act shall take effect immediately.