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

5060

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to non-disclosure agreements for employees

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

Section 1. The public authorities law is amended by adding a new section 2852 to read as follows:

S 2852. NON-DISCLOSURE AGREEMENTS FOR EMPLOYEES. IT SHALL BE UNLAWFUL FOR ANY PUBLIC AUTHORITY AS DEFINED IN SECTION TWO OF THIS CHAPTER TO ENTER INTO ANY CONTRACT OR AGREEMENT WITH ANY MEMBER OF THE BOARD, OFFICER OR EMPLOYEE EITHER AS A CONDITION OF EMPLOYMENT OR OTHERWISE, TO REFUSE TO DISCLOSE ANY INFORMATION RECEIVED OR LEARNED BY SUCH MEMBER OF THE BOARD, OFFICER OR EMPLOYEE IN THE COURSE OF HIS OR HER EMPLOYMENT EXCEPT SUCH INFORMATION AS SUCH PUBLIC AUTHORITY HAS DETERMINED THAT IT WOULD DENY ACCESS TO IN ITS PUBLISHED RULES IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION EIGHTY-SEVEN OF THE PUBLIC OFFICERS LAW. NO PUBLIC AUTHORITY SHALL MAKE ANY ATTEMPT PUBLIC OR PRIVATE, BY JUDICIAL ACTION OR OTHERWISE, TO ENFORCE ANY SUCH CONTRACT OR AGREEMENT WHETHER SUCH CONTRACT OR AGREEMENT WAS MADE BEFORE OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

S 2. This act shall take effect immediately.

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

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