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

205

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PHEFFER, GIANARIS, DINOWITZ -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, DIAZ, HIKIND, JOHN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to the compensation of officers and employees reinstated by court order

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

Section 1. Section 77 of the civil service law, as amended by chapter 851 of the laws of 1985, is amended to read as follows:

S 77. Compensation of officers and employees reinstated by court order. Any officer or employee who is removed from a position in the service of the state or of any civil division thereof in violation of the provisions of this chapter, and who thereafter is restored to such position by order of the supreme court, shall be entitled to receive and shall receive from the state or such civil division, as the case may be, the salary or compensation which he OR SHE would have been entitled by law to have received in such position but for such unlawful removal, from the date of such unlawful removal to the date of such restoration, PLUS COURT COSTS AND REASONABLE ATTORNEYS' FEES, less the amount of any unemployment insurance benefits WHICH he OR SHE may have received during such period. Such officer or employee shall be entitled to a court order to enforce the payment of such salary [or], compensation, COURT COSTS, OR ATTORNEYS' FEES. Such salary [or], compensation, COURT COSTS, OR ATTORNEYS' FEES shall be [subject to the provisions of sections four hundred seventy-four and four hundred seventy-five of the judiciary law for services rendered, but otherwise shall be] paid [only directly] to such officer or employee or his OR HER legal representatives WITHIN THIRTY DAYS.

S 2. This act shall take effect immediately.

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

LBD01949-01-9