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

3063

2009-2010 Regular Sessions

I N  A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to prohibiting public employers from dismissing or taking other disciplinary actions against a public employee for being misquoted by the news media

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

Section 1. Subdivision 1 of section 75-b of the civil service law is amended by adding a new paragraph (e) to read as follows:

(E) "NEWS MEDIA" SHALL MEAN NEWSPAPER, MAGAZINE, NEWS AGENCY, PRESS ASSOCIATION, WIRE SERVICE, PROFESSIONAL JOURNALIST OR NEWSCASTER AS SUCH TERMS ARE DEFINED IN SUBDIVISION (A) OF SECTION SEVENTY-NINE-H OF THE CIVIL RIGHTS LAW.

S 2. Section 75-b of the civil service law is amended by adding a new subdivision 2-a to read as follows:

2-A. A PUBLIC EMPLOYER SHALL NOT DISMISS OR TAKE OTHER DISCIPLINARY OR OTHER ADVERSE PERSONNEL ACTION AGAINST A PUBLIC EMPLOYEE REGARDING THE EMPLOYEE'S EMPLOYMENT BECAUSE THE EMPLOYEE, ACTING IN HIS OR HER CAPACITY AS A PUBLIC EMPLOYEE IN THE COURSE OF HIS OR HER EMPLOYMENT DUTIES, WAS ASSIGNED, DIRECTED, REQUESTED, OR DEMANDED TO PERFORM A TASK SUCH AS, BUT NOT LIMITED TO, MAKING AN INVESTIGATION, A REPORT, A MEMORANDUM, OR A STATEMENT, WHICH EXPOSES A PROBLEM OR ANY OTHER ISSUE WITHIN THE PLACE OF EMPLOYMENT, TO THE EMPLOYER AND/OR SUPERVISOR, OR THE NEWS MEDIA.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law and shall apply to any retaliatory personnel action taken on or after such date.

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

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