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

5641

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. ESPAILLAT, PERALTA -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, DIAZ, GOTTFRIED, HOOPER, ROBINSON -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to providing an employee who is absent from employment to serve as a juror the right to bring a civil action against an employer who discharges or penalizes such employee

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

Section 1. The opening paragraph of section 519 of the judiciary law is designated subdivision 1 and a new subdivision 2 is added to read as follows:

2. IN ADDITION TO THE PENALTY PROVIDED IN SUBDIVISION ONE OF THIS SECTION, A PERSON MAY BRING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION AGAINST ANY EMPLOYER OR PERSON ALLEGED TO HAVE VIOLATED THE PROVISIONS OF THIS SECTION. THE COURT SHALL HAVE JURISDICTION TO RESTRAIN VIOLATIONS OF THIS SECTION AND TO ORDER ALL APPROPRIATE RELIEF, INCLUDING REHIRING OR REINSTATEMENT OF THE EMPLOYEE TO HIS OR HER FORMER POSITION WITH RESTORATION OF FULL FRINGE BENEFITS AND SENIORITY RIGHTS, PAYMENT OF LOST COMPENSATION, INCLUDING WAGES AND BENEFITS, DAMAGES, AND REASONABLE ATTORNEYS' FEES. AN ACTION UNDER THIS SUBDIVISION MUST BE COMMENCED WITHIN ONE YEAR.

S 2. This act shall take effect immediately.

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

LBD09085-01-9