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

4458

2011-2012 Regular Sessions

I N S E N A T E

April 6, 2011

Introduced by Sens. SAVINO, KLEIN, CARLUCCI, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to the reporting of improper governmental actions by legislative employees

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

Section 1. Paragraph (a) of subdivision 2 of section 75-b of the civil service law, as amended by chapter 899 of the laws of 1986, is amended to read as follows:

(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 discloses to a governmental body information: (i) regarding a violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. "Improper governmental action" shall mean any action by a public employer or employee, or an agent of such employer or employee, which is undertaken in the performance of such agent's official duties, whether or not such action is within the scope of his OR HER employment, and which is in violation of any federal, state or local law, rule or regulation. FURTHERMORE, WITH REGARD TO DISCLOSURES BY OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH OF GOVERNMENT, "IMPROPER GOVERNMENTAL ACTION" SHALL ALSO INCLUDE ANY ACTION OR ACTIVITY TAKEN BY A MEMBER OF THE LEGISLATURE OR BY A LEGISLATIVE EMPLOYEE, AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, WHICH VIOLATES OR MAY VIOLATE ANY PROVISION OF THE LEGISLATIVE LAW, THE PENAL LAW OR THE ARTICLE FOUR OF THE PUBLIC OFFICERS LAW THAT IS REPORTED TO A GOVERNMENTAL BODY, INCLUDING THE COMMISSION ON PUBLIC INTEGRITY AND THE LEGISLATIVE ETHICS COMMISSION.

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

LBD10649-01-1

S 2. Section 75-b of the civil service law is amended by adding a new subdivision 5 to read as follows:

5. EVERY PUBLIC EMPLOYER THAT IS PART OF THE LEGISLATIVE BRANCH OF THE STATE SHALL INFORM ITS PUBLIC EMPLOYEES OF THEIR RIGHTS, DUTIES AND PROTECTIONS PURSUANT TO THIS SECTION, BY CONSPICUOUSLY POSTING A WRITTEN NOTICE THEREOF. SUCH NOTICES SHALL BE POSTED IN EASILY ACCESSIBLE AND WELL-LIT LOCATIONS CUSTOMARILY FREQUENTED BY SUCH EMPLOYEES AND APPLICANTS FOR EMPLOYMENT.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.