

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:

1 Section 1. Paragraph (a) of subdivision 2 of section 75-b of the civil
2 service law, as amended by chapter 899 of the laws of 1986, is amended
3 to read as follows:
4 (a) A public employer shall not dismiss or take other disciplinary or
5 other adverse personnel action against a public employee regarding the
6 employee's employment because the employee discloses to a governmental
7 body information: (i) regarding a violation of a law, rule or regulation
8 which violation creates and presents a substantial and specific danger
9 to the public health or safety; or (ii) which the employee reasonably
10 believes to be true and reasonably believes constitutes an improper
11 governmental action. "Improper governmental action" shall mean any
12 action by a public employer or employee, or an agent of such employer or
13 employee, which is undertaken in the performance of such agent's official
14 duties, whether or not such action is within the scope of his OR
15 HER employment, and which is in violation of any federal, state or local
16 law, rule or regulation. FURTHERMORE, WITH REGARD TO DISCLOSURES BY
17 OFFICERS AND EMPLOYEES OF THE LEGISLATIVE BRANCH OF GOVERNMENT, "IMPROPER
18 GOVERNMENTAL ACTION" SHALL ALSO INCLUDE ANY ACTION OR ACTIVITY TAKEN
19 BY A MEMBER OF THE LEGISLATURE OR BY A LEGISLATIVE EMPLOYEE, AS DEFINED
20 IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE
21 PUBLIC OFFICERS LAW, WHICH VIOLATES OR MAY VIOLATE ANY PROVISION OF THE
22 LEGISLATIVE LAW, THE PENAL LAW OR THE ARTICLE FOUR OF THE PUBLIC OFFI-
23 CERS LAW THAT IS REPORTED TO A GOVERNMENTAL BODY, INCLUDING THE COMMIS-
24 SION 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

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

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

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