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

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2011-2012 Regular Sessions

I N A S S E M B L Y

May 25, 2011

Introduced by M. of A. N. RIVERA, CRESPO, CASTRO, ARROYO, RODRIGUEZ, RAMOS, P. RIVERA, J. RIVERA, MOYA, LINARES, ORTIZ -- Multi-Sponsored by -- M. of A. ABINANTI, BARRON, BOYLAND, CAMARA, CLARK, COOK, GIBSON, GLICK, HEASTIE, JEFFRIES, McDONOUGH, McLAUGHLIN, MENG, PERRY, PRETLOW, ROBINSON, STEVENSON, TITUS, WRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to requiring state employers to report the amount and circumstances of any settlement paid relating to any misconduct or criminal conduct of a state officer or employee; and to amend the civil service law, in relation to directing the president of the civil service commission to compile and report such information biannually

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

Section 1. Section 17 of the public officers law is amended by adding a new subdivision 12 to read as follows:

12. (A)(I) UPON ENTRY OF A FINAL JUDGMENT AGAINST THE STATE OR AN EMPLOYEE, OR UPON SETTLEMENT OF A CLAIM AGAINST THE STATE OR AN EMPLOYEE, WHEN SUCH JUDGMENT OR SETTLEMENT WAS AWARDED UPON A CLAIM OF MISCONDUCT OR CRIMINAL CONDUCT OF AN EMPLOYEE, THE AGENCY THAT EMPLOYED SUCH EMPLOYEE AT THE TIME OF THE CONDUCT SHALL SUBMIT TO THE GOVERNOR, ATTORNEY GENERAL, CIVIL SERVICE COMMISSION AND LEGISLATURE, WITHIN THIRTY DAYS OF THE JUDGMENT OR SETTLEMENT, A REPORT, IN WRITTEN OR ELECTRONIC FORMAT, OF THE AMOUNT OF THE JUDGMENT OR CLAIM, AND THE FACTS AND CIRCUMSTANCES OF THE ALLEGED MISCONDUCT OR CRIMINAL CONDUCT.

(II) NO LATER THAN THE THIRTY-FIRST OF DECEMBER EACH YEAR, EACH STATE AGENCY THAT HAS A SETTLEMENT OF A CLAIM OR AN ENTRY OF FINAL JUDGMENT ENTERED AGAINST AN EMPLOYEE OF SUCH AGENCY, OR THE STATE, WITHIN THE PRECEDING TWELVE MONTH CALENDAR PERIOD AS A RESULT OF MISCONDUCT OR CRIMINAL CONDUCT OF AN EMPLOYEE OF SUCH AGENCY, SHALL SUBMIT TO THE GOVERNOR, ATTORNEY GENERAL, CIVIL SERVICE COMMISSION AND LEGISLATURE, AN

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

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ANNUAL REPORT, IN WRITTEN OR ELECTRONIC FORMAT, A LIST CONTAINING ALL SUCH SETTLEMENTS AND JUDGMENTS FROM THE PRECEDING TWELVE MONTHS INVOLVING SUCH AGENCY OR ANY EMPLOYEE THEREOF.

(B) IN ANY CASE IN WHICH THE AMOUNT OF THE JUDGMENT OR CLAIM IS CONFIDENTIAL, THE REPORT SHALL STATE SUCH AMOUNT AS WITHIN ONE OF THE FOLLOWING PARAMETERS:

(I) FIVE THOUSAND DOLLARS OR LESS;

(II) TEN THOUSAND DOLLARS OR LESS, BUT MORE THAN FIVE THOUSAND DOLLARS;

(III) TWENTY-FIVE THOUSAND DOLLARS OR LESS, BUT MORE THAN TEN THOUSAND DOLLARS;

(IV) ONE HUNDRED THOUSAND DOLLARS OR LESS, BUT MORE THAN TWENTY-FIVE THOUSAND DOLLARS;

(V) TWO HUNDRED FIFTY THOUSAND DOLLARS OR LESS, BUT MORE THAN ONE HUNDRED THOUSAND DOLLARS;

(VI) ONE MILLION DOLLARS OR LESS, BUT MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS; AND

(VII) MORE THAN ONE MILLION DOLLARS.

S 2. Section 7 of the civil service law is amended by adding a new subdivision 7 to read as follows:

7. ON OR BEFORE THE FIFTEENTH OF JANUARY AND THE FIFTEENTH OF JULY, HE OR SHE SHALL COMPILE AND SUBMIT A REPORT, TO THE GOVERNOR, ATTORNEY GENERAL AND LEGISLATURE, OF ALL INFORMATION RECEIVED BY THE COMMISSION PURSUANT TO SUBDIVISION TWELVE OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW DURING THE PREVIOUS SIX MONTH CALENDAR PERIOD. IN ADDITION, THE PRESIDENT SHALL MAKE AVAILABLE AND PUBLISH EACH SUCH REPORT ON THE INTERNET WEBSITE OF THE DEPARTMENT.

S 3. This act shall take effect immediately.