STATE OF NEW YORK

2832--A

Cal. No. 1113

2019-2020 Regular Sessions

IN SENATE

January 29, 2019

Introduced by Sens. SAVINO, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to retaliatory action by employers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 740 of the labor law, as added by chapter 660 of the laws of 1984, paragraph (a) as amended by chapter 442 of the laws of 2006, is amended to read as follows:

2. Prohibitions. An employer shall not take any retaliatory personnel action against an employee because such employee does any of the following:

(a) **(i)** discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety, or which constitutes health care fraud; **or**

[~~(b)~~] **(ii)** provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by such employer; or

[~~(c)~~] **(iii)** objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation[~~.~~]**; or**

(b) protests or discloses, whether to a supervisor, a public entity, or to the public in general, any action which the employee reasonably believes constitutes a violation of section seventy-three, seventy-three-a, seventy-four, seventy-five, or seventy-six of the public officers law or section 175.20, 175.25, 175.40, 195.20 or article two hundred of the penal law.

§ 2. This act shall take effect immediately.

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

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