STATE OF NEW YORK

4162--A

2019-2020 Regular Sessions

IN SENATE

March 1, 2019

Introduced by Sens. GOUNARDES, COMRIE, GAUGHRAN, KAMINSKY, KAPLAN, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to prohibiting discrimination against certain police officers, firefighters and emergency medical technicians for injuries in the line of duty

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

Section 1. The labor law is amended by adding a new section 215-d to read as follows:

§ 215-d. Discrimination against certain police officers, firefighters and emergency medical technicians for line of duty injuries. 1. As used in this section "emergency medical technician" shall mean a person employed by the fire department of the city of New York in a title whose duties are those of an emergency medical technician or advanced emergency medical technician, as those terms are defined in section three thousand one of the public health law, or whose duties require the direct supervision of such employees whose duties are those of an emergency medical technician or advanced emergency medical technician.

2. Notwithstanding anything to the contrary in any other law, rule or regulation, the City of New York, the New York City police department, the fire department of the City of New York, and those entities' authorized agents, shall not, in any manner penalize or threaten to penalize, expressly or impliedly, a uniformed member or members of the New York City police department or the fire department of the City of New York, including emergency medical technicians, as to their employment in a manner, including, but not limited to, a transfer, reassignment, a scheduling change, an adverse evaluation, a constructive dismissal, the denial of a promotion, the denial of overtime, placement in or continuation of any program intended to monitor a member's performance or sick

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

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leave or medical leave status, denial of any other discretionary benefit, or denial, suspension or cancellation of any program or benefit available to a member or members pursuant to a collective bargaining agreement or other agreement between the City of New York or its municipal agencies and a certified employee organization, based in whole or in part on such members' illness or injury incurred in the line of duty, or duty status, sick leave status, medical leave status, or number of occurrences or duration of sick leave or medical leave, relating to any illness or injury incurred in the line of duty.

3. Any member or members penalized or threatened to be penalized in violation of subdivision one of this section may cause to be instituted a grievance proceeding pursuant to the provisions of a collective bargaining agreement, if any, or may institute a civil action in a court of competent jurisdiction within one year after the alleged penalty or threat of penalty took place, or was otherwise discovered by the member or members, whichever is later. Any member or members penalized in violation of subdivision one of this section shall have any such penalty reversed, shall be restored to their previously assigned position of employment and shall be compensated by their employer for any loss of wages arising from such penalty; provided, that if such member or members shall cease to be qualified to perform the duties of their employment they shall not be entitled to be restored to their previously assigned position of employment.

§ 2. This act shall take effect immediately.