

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:

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

3 § 215-d. Discrimination against certain police officers, firefighters
4 and emergency medical technicians for line of duty injuries. 1. As used
5 in this section "emergency medical technician" shall mean a person
6 employed by the fire department of the city of New York in a title whose
7 duties are those of an emergency medical technician or advanced emergen-
8 cy medical technician, as those terms are defined in section three thou-
9 sand one of the public health law, or whose duties require the direct
10 supervision of such employees whose duties are those of an emergency
11 medical technician or advanced emergency medical technician.

12 2. Notwithstanding anything to the contrary in any other law, rule or
13 regulation, the City of New York, the New York City police department,
14 the fire department of the City of New York, and those entities' author-
15 ized agents, shall not, in any manner penalize or threaten to penalize,
16 expressly or impliedly, a uniformed member or members of the New York
17 City police department or the fire department of the City of New York,
18 including emergency medical technicians, as to their employment in a
19 manner, including, but not limited to, a transfer, reassignment, a sche-
20 duling change, an adverse evaluation, a constructive dismissal, the
21 denial of a promotion, the denial of overtime, placement in or continua-
22 tion 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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1 leave or medical leave status, denial of any other discretionary bene-
2 fit, or denial, suspension or cancellation of any program or benefit
3 available to a member or members pursuant to a collective bargaining
4 agreement or other agreement between the City of New York or its municipi-
5 pal agencies and a certified employee organization, based in whole or in
6 part on such members' illness or injury incurred in the line of duty, or
7 duty status, sick leave status, medical leave status, or number of
8 occurrences or duration of sick leave or medical leave, relating to any
9 illness or injury incurred in the line of duty.

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

24 § 2. This act shall take effect immediately.