STATE OF NEW YORK

1975

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to increasing protection against retaliation for public employees and provides an affirmative defense

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

Section 1. Subdivision 2 of section 75-b of the civil service law is amended by adding a new paragraph (b) to read as follows:

(b) A public employer shall not dismiss or take other disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee fails to perform a duty when such action is deemed improper by any group, person, body, organization, legislative representative or social networking platform.

§ 2. Section 75-b of the civil service law is amended by adding a new subdivision 3-a to read as follows:

3-a. It shall be an affirmative defense in any disciplinary or other adverse personnel action against a public employee regarding the employee's employment because the employee failed to perform a duty and/or action as prescribed under federal, state or local law or regulation if the employee reasonably believed that such duty and/or action may invoke community unrest, public scorn or societal backlash by any group, person, body, organization, legislative representative or social networking platform.

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

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

LBD01919-01-1