

# STATE OF NEW YORK

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8182--A

Cal. No. 542

## IN SENATE

January 31, 2022

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- 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 civil service law, in relation to irreparable injury, loss or damage and injunctive relief

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

1 Section 1. Paragraph (a) of subdivision 4 of section 209-a of the  
2 civil service law, as added by chapter 695 of the laws of 1994, is  
3 amended to read as follows:

4 (a) A party filing an improper practice charge under this section may  
5 petition the board to obtain injunctive relief, pending a decision on  
6 the merits of said charge by an administrative law judge, upon a showing  
7 that: (i) there is reasonable cause to believe an improper practice has  
8 occurred, and (ii) where it appears that immediate and irreparable injury,  
9 loss or damage will result thereby rendering a resulting judgment on  
10 the merits ineffectual necessitating the maintenance of, or return to,  
11 the status quo to provide meaningful relief. For the purposes of this  
12 subdivision, "irreparable injury, loss or damage" shall include, but not  
13 be limited to loss of employment, actions that adversely affect the  
14 health or welfare, or permanent loss of an employee right or privilege  
15 established pursuant to a collective bargaining agreement to the extent  
16 and in the same manner that such "irreparable injury, loss or damage"  
17 would be the ground for a preliminary injunction under section sixty-  
18 three hundred one of the civil practice law and rules.

19 § 2. This act shall take effect immediately; provided, however, that  
20 the amendments to paragraph (a) of subdivision 4 of section 209-a of the  
21 civil service law made by section one of this act shall not affect the  
22 repeal of such subdivision and shall be deemed repealed therewith.

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

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