STATE OF NEW YORK

1254--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. JOYNER, ARDILA, TAYLOR, GIBBS -- Multi-Sponsored by -- M. of A. SEAWRIGHT -- read once and referred 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 civil actions brought by employees

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

Section 1. Subdivision 10 of section 27-a of the labor law is amended by adding a new paragraph e to read as follows:

e. An employee may bring a civil action in a court of competent jurisdiction against any employer alleged to have violated the provisions of this section. Such action must be commenced within three years after such violation. The court shall have jurisdiction to order all appropriate relief, including enjoining the conduct of any employer; ordering payment of costs and reasonable attorneys' fees to the employee by the entity in violation; and ordering rehiring or reinstatement of the employee to his or her former position with restoration of seniority or an award of front pay in lieu of reinstatement, and an award of lost compensation and damages, costs and reasonable attorneys' fees. The statute of limitations shall be tolled from the date an employee files a complaint with the commissioner or the commissioner commences an investigation, whichever is earlier, until an order to comply issued by the commissioner becomes final, or where the commissioner does not issue an order, until the date on which the commissioner notifies the complainant that the investigation has concluded. Investigation by the commissioner shall not be a prerequisite to nor a bar against a person bringing a civil action under this section.

§ 2. This act shall take effect immediately.

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

LBD04469-02-3