

STATE OF NEW YORK

8842

IN SENATE

March 19, 2024

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to the prohibition on retaliatory action by employers against whistleblowers; and to amend chapter 522 of the laws of 2021 amending the labor law relating to retaliatory actions by employers, in relation to the effectiveness of such provisions

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

1 Section 1. Subdivision 2 of section 740 of the labor law, as amended
2 by chapter 522 of the laws of 2021, is amended to read as follows:

3 2. Prohibitions. An employer shall not take any retaliatory action
4 against an employee, whether or not within the scope of the employee's
5 job duties, because such employee does any of the following:

6 (a) discloses, or threatens to disclose to a supervisor or to a public
7 body an activity, policy or practice of the employer that the employee
8 reasonably believes is in violation of law, rule or regulation or that
9 the employee reasonably believes poses a substantial and specific danger
10 to the public health or safety;

11 (b) provides information to, or testifies before, any public body
12 conducting an investigation, hearing or inquiry into any such activity,
13 policy or practice by such employer; or

14 (c) objects to, or refuses to participate in any such activity, policy
15 or practice; or

16 (d) discloses, or threatens to disclose to a supervisor or to a public
17 body any action or activity that is a violation of, or an attempt to
18 circumvent, any of a company's internal controls implemented to prevent
19 fraud, or which the employee reasonably believes to be fraudulent.

20 § 2. Section 3 of chapter 522 of the laws of 2021 amending the labor
21 law relating to retaliatory actions by employers, is amended to read as
22 follows:

23 § 3. This act shall take effect on the ninetieth day after it shall
24 have become a law; provided, however, that section one of this act shall
25 be deemed to have been in full force and effect on and after January 1,

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

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1 2018; and provided further that effective immediately, the addition,
2 amendment and/or repeal of any rule or regulation necessary for the
3 implementation of this act on its effective date are authorized to be
4 made by the commissioner of labor of the state of New York on or before
5 such effective date.

6 § 3. This act shall take effect immediately; provided that section one
7 of this act shall be deemed to have been in full force and effect on and
8 after January 1, 2018.