

# STATE OF NEW YORK

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3757

2023-2024 Regular Sessions

## IN ASSEMBLY

February 7, 2023

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

AN ACT to amend the civil service law, in relation to prohibiting public  
employers from taking disciplinary action against public employees in  
certain cases

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

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

3 (b) A public employer shall not dismiss or take other disciplinary or  
4 other adverse personnel action against a public employee if such public  
5 employee is elected or appointed to represent the employee organization  
6 or its members or communicates or offers commentary on matters of public  
7 concern or matters affecting the employee organization or its members.

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

10 3-a. It shall be an affirmative defense in any disciplinary or other  
11 adverse personnel action against a public employee if such public  
12 employee is elected or appointed to represent the employee organization  
13 or its members, communicates or offers commentary on matters of public  
14 concern or matters affecting the employee organization or its members.

15 § 3. This act shall take effect immediately.

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

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