STATE OF NEW YORK

3757

2023-2024 Regular Sessions

IN ASSEMBLY

February 7, 2023

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 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 if such public employee is elected or appointed to represent the employee organization or its members or communicates or offers commentary on matters of public concern or matters affecting the employee organization or its members.

§ 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 if such public employee is elected or appointed to represent the employee organization or its members, communicates or offers commentary on matters of public concern or matters affecting the employee organization or its members.

§ 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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