

STATE OF NEW YORK

1540

2025-2026 Regular Sessions

IN SENATE

January 10, 2025

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to hearing procedures for certain public employees

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

1 Section 1. Subdivision 2 of section 75 of the civil service law, as
2 amended by chapter 226 of the laws of 1994, is amended to read as
3 follows:
4 2. Procedure. An employee who at the time of questioning appears to be
5 a potential subject of disciplinary action shall have a right to repre-
6 sentation by [~~his or her~~] such employee's certified or recognized
7 employee organization under article fourteen of this chapter and shall
8 be notified in advance, in writing, of such right. A state employee who
9 is designated managerial or confidential under article fourteen of this
10 chapter, shall, at the time of questioning, where it appears that such
11 employee is a potential subject of disciplinary action, have a right to
12 representation and shall be notified in advance, in writing, of such
13 right. If representation is requested a reasonable period of time shall
14 be afforded to obtain such representation. If the employee is unable to
15 obtain representation within a reasonable period of time the employer
16 has the right to then question the employee. A hearing officer under
17 this section shall have the power to find that a reasonable period of
18 time was or was not afforded. In the event the hearing officer finds
19 that a reasonable period of time was not afforded then any and all
20 statements obtained from said questioning as well as any evidence or
21 information obtained as a result of said questioning shall be excluded,
22 provided, however, that this subdivision shall not modify or replace any
23 written collective agreement between a public employer and employee
24 organization negotiated pursuant to article fourteen of this chapter. A
25 person against whom removal or other disciplinary action is proposed

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

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1 shall have written notice thereof and of the reasons therefor, shall be
2 furnished a copy of the charges preferred against [~~him~~] such person and
3 shall be allowed at least eight days for answering the same in writing.
4 The hearing upon such charges shall be held by the officer or body
5 having the power to remove the person against whom such charges are
6 preferred, or by a deputy or other person designated by such officer or
7 body in writing for that purpose. In case a deputy or other person is so
8 designated, [~~he~~] they shall, for the purpose of such hearing, be vested
9 with all the powers of such officer or body and shall make a record of
10 such hearing which shall, with [~~his~~] their recommendations, be referred
11 to such officer or body for review and decision. Notwithstanding any
12 other provisions of law to the contrary, the recommendation of the hear-
13 ing officer in relation to any state employee who is designated manage-
14 rial or confidential under article fourteen of this chapter shall be
15 considered final and not subject to change or modification. The person
16 or persons holding such hearing shall, upon the request of the person
17 against whom charges are preferred, permit [~~him~~] such person to be
18 represented by counsel, or by a representative of a recognized or certi-
19 fied employee organization, and shall allow [~~him~~] such person to summon
20 witnesses in [~~his~~] behalf of such person. The burden of proving incompe-
21 tency or misconduct shall be upon the person alleging the same. Compli-
22 ance with technical rules of evidence shall not be required.

23 § 2. This act shall take effect immediately.