

# STATE OF NEW YORK

7743

2025-2026 Regular Sessions

## IN ASSEMBLY

April 8, 2025

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Labor

AN ACT to amend the labor law and the civil service law, in relation to protection of employees against retaliatory action by employers

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

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

3 § 740. Retaliatory action by employers; prohibition. 1. Definitions.  
4 For purposes of this section, unless the context specifically indicates  
5 otherwise:

6 (a) "Employee" means an individual who performs services for and under  
7 the control and direction of an employer for wages or other remunera-  
8 tion, including former employees, or natural persons employed as inde-  
9 pendent contractors to carry out work in furtherance of an employer's  
10 business enterprise who are not themselves employers.

11 (b) "Employer" means any person, firm, partnership, institution,  
12 corporation, or association that employs one or more employees.

13 (c) "Law, rule or regulation" includes: (i) any duly enacted federal,  
14 state or local statute or ordinance or executive order; (ii) any rule or  
15 regulation promulgated pursuant to such statute or ordinance or execu-  
16 tive order; [~~e~~] (iii) any internal rule promulgated by the employer  
17 pursuant to any statute or ordinance; or (iv) any judicial or adminis-  
18 trative decision, ruling or order.

19 (d) "Public body" includes the following:

20 (i) the United States Congress, any state legislature, or any elected  
21 local governmental body, or any member or employee thereof;

22 (ii) any federal, state, or local court, or any member or employee  
23 thereof, or any grand or petit jury;

24 (iii) any federal, state, or local regulatory, administrative, or  
25 public agency or authority, or instrumentality thereof;

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

LBD10240-01-5

1 (iv) any federal, state, or local law enforcement agency, prosecu-  
2 torial office, or police or peace officer;

3 (v) any federal, state or local department of an executive branch of  
4 government; or

5 (vi) any division, board, bureau, office, committee, or commission of  
6 any of the public bodies described in subparagraphs (i) through (v) of  
7 this paragraph.

8 (e) "Retaliatory action" means an adverse action taken by an employer  
9 or ~~[his or her]~~ such employer's agent to discharge, threaten, penalize,  
10 or in any other manner discriminate against any employee or former  
11 employee exercising ~~[his or her]~~ such employee's rights under this  
12 section, including (i) adverse employment actions or threats to take  
13 such adverse employment actions against an employee in the terms of  
14 conditions of employment including but not limited to discharge, suspen-  
15 sion, or demotion; (ii) actions or threats to take such actions that  
16 would adversely impact a former employee's current or future employment;  
17 or (iii) threatening to contact or contacting United States immigration  
18 authorities or otherwise reporting or threatening to report an employ-  
19 ee's suspected citizenship or immigration status or the suspected citi-  
20 zenship or immigration status of an employee's family or household  
21 member, as defined in subdivision two of section four hundred fifty-  
22 nine-a of the social services law, to a federal, state, or local agency.

23 (f) "Supervisor" means any individual within an employer's organiza-  
24 tion who has the authority to direct and control the work performance of  
25 ~~[the affected]~~ an employee; or who has ~~[managerial]~~ authority to take  
26 corrective action regarding the ~~[violation of the law, rule or regu-~~  
27 ~~lation]~~ improper business activity of which the employee complains.

28 (g) "Agent" means any individual, partnership, association, corpo-  
29 ration or group of persons acting on behalf of an employer.

30 (h) "Improper business activity" means any practice, procedure, action  
31 or failure to act by an employer, or an employee or agent of such  
32 employer, taken in the course of the employer's business, whether or not  
33 within the scope of employment or agency, which is in violation of any  
34 law, rule or regulation.

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

38 (a) discloses, or threatens to disclose to a supervisor ~~[or to a]~~,  
39 agent, internal agency, or to the public ~~[body]~~ information about an  
40 improper business activity~~[, policy or practice of the employer that the~~  
41 ~~employee reasonably believes is in violation of law, rule or regulation~~  
42 ~~or that the employee reasonably believes poses a substantial and specif-~~  
43 ~~ic danger to the public health or safety];~~

44 (b) provides information to, or testifies before, any public body  
45 conducting an investigation, hearing or inquiry into any such ~~[activity,~~  
46 ~~policy or practice by such employer]~~ improper business activity; or

47 (c) objects to, or refuses to participate in any ~~[such]~~ improper busi-  
48 ness activity~~[, policy or practice].~~

49 3. Application. The protection against retaliatory action provided by  
50 ~~[paragraph (a) of subdivision two of this section pertaining to disclo-~~  
51 ~~sure to a public body shall not apply to an employee who makes such~~  
52 ~~disclosure to a public body unless the employee has made a good faith~~  
53 ~~effort to notify his or her employer by bringing the activity, policy or~~  
54 ~~practice to the attention of a supervisor of the employer and has~~  
55 ~~afforded such employer a reasonable opportunity to correct such activ-~~  
56 ~~ity, policy or practice. Such employer notification shall not be~~

1 ~~required where: (a) there is an imminent and serious danger to the~~  
 2 ~~public health or safety; (b) the employee reasonably believes that~~  
 3 ~~reporting to the supervisor would result in a destruction of evidence or~~  
 4 ~~other concealment of the activity, policy or practice; (c) such activ-~~  
 5 ~~ity, policy or practice could reasonably be expected to lead to endan-~~  
 6 ~~gering the welfare of a minor; (d) the employee reasonably believes that~~  
 7 ~~reporting to the supervisor would result in physical harm to the employ-~~  
 8 ~~ee or any other person; or (e) the employee reasonably believes that the~~  
 9 ~~supervisor is already aware of the activity, policy or practice and will~~  
 10 ~~not correct such activity, policy or practice]~~ subdivision two of this  
 11 section shall apply to any employee who in good faith reasonably  
 12 believes that an improper business activity has occurred or will occur,  
 13 based on information that the employee in good faith reasonably believes  
 14 to be true.

15 4. Violation; remedy. (a) An employee who has been the subject of a  
 16 retaliatory action in violation of this section may institute a civil  
 17 action in a court of competent jurisdiction for relief as set forth in  
 18 subdivision five of this section within two years after the alleged  
 19 retaliatory action was taken.

20 (b) Any action authorized by this section may be brought in the county  
 21 in which the alleged retaliatory action occurred, in the county in which  
 22 the complainant resides, or in the county in which the employer has its  
 23 principal place of business. In any such action, the parties shall be  
 24 entitled to a jury trial.

25 (c) It shall be a defense to any action brought pursuant to this  
 26 section that the retaliatory action was predicated upon grounds other  
 27 than the employee's exercise of any rights protected by this section.

28 5. Relief. In any action brought pursuant to subdivision four of this  
 29 section, the court may order relief as follows:

30 (a) ~~[an injunction to restrain continued violation of this section;~~  
 31 ~~(b)]~~ the reinstatement of the employee to the same position held  
 32 before the retaliatory action, or to an equivalent position, or front  
 33 pay in lieu thereof;

34 ~~(a)]~~ (b) the reinstatement of full fringe benefits and seniority  
 35 rights;

36 ~~(a)]~~ (c) the compensation for lost wages, benefits and other remuner-  
 37 ation;

38 (d) compensatory damages for economic loss;

39 (e) the payment by the employer of reasonable costs, disbursements,  
 40 and attorney's fees;

41 (f) an injunction to restrain the employer's continued violation of  
 42 this section with respect to the employee;

43 (g) a civil penalty of an amount not to exceed ~~ten~~ thirty thousand  
 44 dollars if the court, in its discretion, finds that the employer acted  
 45 in bad faith in the retaliatory action; and/or

46 ~~(g)]~~ (h) the payment by the employer of punitive damages, if the  
 47 violation was willful, malicious or wanton.

48 6. ~~[Employer relief. A court, in its discretion, may also order that~~  
 49 ~~reasonable attorneys' fees and court costs and disbursements be awarded~~  
 50 ~~to an employer if the court determines that an action brought by an~~  
 51 ~~employee under this section was without basis in law or in fact.~~

52 ~~7.]~~ Existing rights. Nothing in this section shall be deemed to dimin-  
 53 ish the rights, privileges, or remedies of any employee under any other  
 54 law or regulation or under any collective bargaining agreement or  
 55 employment contract.

1     ~~[8-]~~ 7. Publication. Every employer shall inform employees of their  
2     protections, rights and obligations under this section, by posting a  
3     notice thereof. Such notices shall be posted conspicuously in easily  
4     accessible and well-lighted places customarily frequented by employees  
5     and applicants for employment.

6     § 2. Section 741 of the labor law, as added by chapter 24 of the laws  
7     of 2002, subdivisions 1, 2 and 3 as amended by chapter 117 of the laws  
8     of 2020, subdivision 4 as amended and subdivision 6 as added by chapter  
9     522 of the laws of 2021, is amended to read as follows:

10    § 741. Prohibition; health care employer who penalizes employees  
11    because of complaints of employer violations. 1. Definitions. As used  
12    in this section, the following terms shall have the following meanings:

13    (a) "Employee" means any person who performs health care services for  
14    and under the control and direction of any public or private employer  
15    which provides health care services for wages or other remuneration.

16    (b) "Employer" means any partnership, association, corporation, the  
17    state, or any political subdivision of the state which: (i) provides  
18    health care services in a facility licensed pursuant to article twenty-  
19    eight or thirty-six of the public health law; (ii) provides health care  
20    services within a primary or secondary public or private school or  
21    public or private university setting; (iii) operates and provides health  
22    care services under the mental hygiene law or the correction law; or  
23    (iv) is registered with the department of education pursuant to section  
24    sixty-eight hundred eight of the education law.

25    (c) "Agent" means any individual, partnership, association, corpo-  
26    ration, or group of persons acting on behalf of an employer.

27    (d) "Improper quality of patient care" means, with respect to patient  
28    care, any practice, procedure, action or failure to act of an employer  
29    which violates any law, rule, regulation or declaratory ruling adopted  
30    pursuant to law, where such violation relates to matters which may pres-  
31    ent a substantial and specific danger to public health or safety or a  
32    significant threat to the health of a specific patient.

33    (e) "Improper quality of workplace safety" means, with respect to  
34    employees, any practice, procedure, action or failure to act of an  
35    employer which violates any law, rule, regulation, or declaratory ruling  
36    adopted pursuant to law where such violation relates to matters which  
37    may present an unsafe workplace environment or risk of employee safety  
38    or a significant threat to the health of a specific employee.

39    (f) "Public body" means:

40    (1) the United States Congress, any state legislature, or any elected  
41    local governmental body, or any member or employee thereof;

42    (2) any federal, state or local court, or any member or employee ther-  
43    eof, any grand or petit jury;

44    (3) any federal, state or local regulatory, administrative or public  
45    agency or authority, or instrumentality thereof;

46    (4) any federal, state or local law enforcement agency, prosecutorial  
47    office, or police or peace officer;

48    (5) any federal, state or local department of an executive branch of  
49    government; or

50    (6) any division, board, bureau, office, committee or commission of  
51    any of the public bodies described in subparagraph one, two, three, four  
52    or five of this paragraph.

53    (g) "Retaliatory action" means the discharge, suspension, demotion,  
54    penalization or discrimination against an employee, or ~~[other adverse~~  
55    ~~employment action]~~ taken any act of reprisal against an employee ~~[in the~~  
56    ~~terms and conditions of employment]~~.

1 (h) "Supervisor" means any person within an employer's organization  
2 who has the authority to direct and control the work performance of an  
3 employee, or who has the authority to take corrective action regarding  
4 the violation of a law, rule or regulation to which an employee submits  
5 a complaint.

6 (i) "Law, rule or regulation" includes:

7 (1) any duly enacted federal, state or local statute or ordinance;

8 (2) any rule or regulation promulgated pursuant to any statute or  
9 ordinance;

10 (3) any internal rule promulgated by the employer pursuant to any  
11 statute or ordinance; or

12 (4) any judicial or administrative decision, ruling or order.

13 2. Retaliatory action prohibited. Notwithstanding any other provision  
14 of law, no employer shall take retaliatory action against any employee  
15 because the employee does any of the following:

16 (a) discloses or threatens to disclose to a supervisor, agent or to a  
17 public body, to a news media outlet, or to a social media forum avail-  
18 able to the public at large, an activity, policy or practice of the  
19 employer or agent that the employee, in good faith, reasonably believes  
20 constitutes improper quality of patient care or improper quality of  
21 workplace safety; ~~[or]~~

22 (b) objects to, or refuses to participate in any activity, policy or  
23 practice of the employer or agent that the employee, in good faith,  
24 reasonably believes constitutes improper quality of patient care or  
25 improper quality of workplace safety~~[or]~~; or

26 (c) provides information to, or testifies before, any public body  
27 conducting an investigation, hearing or inquiry into any violation or  
28 action described in subparagraph (i) of paragraph (a) of subdivision two  
29 of section seventy-five-b of the civil service law.

30 3. ~~[Application. The protection against retaliatory personnel action~~  
31 ~~provided by subdivision two of this section shall not apply unless the~~  
32 ~~employee has brought the improper quality of patient care or improper~~  
33 ~~quality of workplace safety to the attention of a supervisor and has~~  
34 ~~afforded the employer a reasonable opportunity to correct such activity,~~  
35 ~~policy or practice. This subdivision shall not apply to an action or~~  
36 ~~failure to act described in paragraph (a) of subdivision two of this~~  
37 ~~section where the improper quality of patient care or improper quality~~  
38 ~~of workplace safety described therein presents an imminent threat to~~  
39 ~~public health or safety or to the health of a specific patient or~~  
40 ~~specific health care employee and the employee reasonably believes in~~  
41 ~~good faith that reporting to a supervisor would not result in corrective~~  
42 ~~action.~~

43 4. ~~Enforcement. A health care employee may seek enforcement of this~~  
44 ~~section pursuant to subdivisions four and five of section seven hundred~~  
45 ~~forty of this article.~~

46 5.] Relief. In any court action brought pursuant to this section it  
47 shall be a defense that the personnel action was predicated upon grounds  
48 other than the employee's exercise of any rights protected by this  
49 section.

50 [6.] 4. Publication. Every employer shall inform employees of their  
51 protections, rights and obligations under this section by posting a  
52 notice thereof. Such notices shall be posted conspicuously in easily  
53 accessible and well-lighted places customarily frequented by employees  
54 and applicants for employment.

1 § 3. Subdivision 2 of section 75-b of the civil service law, as added  
2 by chapter 660 of the laws of 1984 and paragraph (a) as amended by chap-  
3 ter 899 of the laws of 1986, is amended to read as follows:

4 2. (a) A public employer shall not dismiss, suspend, demote, penalize  
5 or discriminate against, or take other disciplinary or other [~~adverse~~  
6 ~~personnel action~~] act of reprisal against a public employee regarding  
7 the employee's employment because the employee:

8 (i) discloses or threatens to disclose to a supervisor, governmental  
9 body [~~information:(i) regarding a violation of a law, rule or regulation~~  
10 ~~which violation creates and presents a substantial and specific danger~~  
11 ~~to the public health or safety; or (ii) which the employee reasonably~~  
12 ~~believes to be true and reasonably believes~~], agency or to the public  
13 any conduct which constitutes an improper governmental action. [~~"Improp-~~  
14 ~~er governmental action" shall mean any action by a public employer or~~  
15 ~~employee, or an agent of such employer or employee, which is undertaken~~  
16 ~~in the performance of such agent's official duties, whether or not such~~  
17 ~~action is within the scope of his employment, and which is in violation~~  
18 ~~of any federal, state or local law, rule or regulation.~~]

19 (ii) provides information to, or testifies before, any public body  
20 conducting an investigation, hearing or inquiry into any improper  
21 governmental action; or

22 (iii) objects to, or refuses to participate in, any improper govern-  
23 mental action.

24 The protection against retaliatory personnel action provided in para-  
25 graph (a) of this subdivision shall apply to any employee who in good  
26 faith reasonably believes that a violation or improper governmental  
27 action has occurred or will occur, based on information that the employ-  
28 ee in good faith reasonably believes to be true.

29 (b)(i) "Improper governmental action" shall mean any practice, proce-  
30 cedure, action or failure to act by a public employer or employee, or an  
31 agent of such employer or employee, whether or not such action is within  
32 the scope of such person's employment, which is in violation of any law,  
33 rule or regulation.

34 (ii) "Law, rule or regulation" includes: (A) any duly enacted federal,  
35 state or local statute or ordinance; (B) any rule or regulation promul-  
36 gated pursuant to any such statute or ordinance; or (C) any judicial or  
37 administrative decision, ruling or order.

38 § 4. Paragraph (c) of subdivision 3 of section 75-b of the civil  
39 service law, as added by chapter 660 of the laws of 1984, is amended to  
40 read as follows:

41 (c) [~~where~~] In addition to or in lieu of the procedures set forth in  
42 paragraphs (a) and (b) of this subdivision, or where an employee is not  
43 subject to any of the provisions of [~~paragraph (a) or (b) of this subdivi-~~  
44 ~~vision~~] such paragraphs, the employee may commence an action in a court  
45 of competent jurisdiction under the same terms and conditions and for  
46 the same relief as set forth in article twenty-C of the labor law.

47 § 5. Section 75-b of the civil service law is amended by adding a new  
48 subdivision 5 to read as follows:

49 5. Every public employer shall inform employees of their protections,  
50 rights and obligations under this section, by posting a notice thereof.  
51 Such notices shall be posted conspicuously in easily accessible and  
52 highly visible areas frequently visited by employees and applicants for  
53 employment.

54 § 6. This act shall take effect on the ninetieth day after it shall  
55 have become a law.