

# 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.