

# STATE OF NEW YORK

5559

2025-2026 Regular Sessions

## IN SENATE

February 25, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law and the labor law, in relation to creating additional remedies for unlawful discharge, penalty or discrimination on account of the exercise of a juror's right to be absent from employment for jury duty

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

1 Section 1. Section 519 of the judiciary law, as added by chapter 85 of  
2 the laws of 1995, is amended to read as follows:

3 § 519. Right of juror to be absent from employment. Any person who is  
4 summoned to serve as a juror under the provisions of this article and  
5 who notifies [~~his or her~~] their employer to that effect prior to the  
6 commencement of a term of service shall not, on account of absence from  
7 employment by reason of such jury service, be subject to discharge [~~or~~],  
8 penalty, or discrimination in any other manner. An employer may, howev-  
9 er, withhold wages of any such employee serving as a juror during the  
10 period of such service; provided that an employer who employs more than  
11 ten employees shall not withhold the first forty dollars of such juror's  
12 daily wages during the first three days of jury service. Withholding of  
13 wages in accordance with this section shall not be deemed a penalty or  
14 discrimination in any other manner. Violation of this section shall  
15 constitute a criminal contempt of court punishable pursuant to section  
16 seven hundred fifty of this chapter and shall also constitute a  
17 violation of section two hundred fifteen of the labor law and be subject  
18 to the civil penalties and civil action provided for thereunder.

19 § 2. Paragraph 7 of subdivision A of section 750 of the judiciary law,  
20 as amended by chapter 823 of the laws of 1982, is amended to read as  
21 follows:

22 7. Wilful failure to obey any mandate, process, or notice issued  
23 pursuant to [~~articles~~] article sixteen[~~, seventeen, eighteen, eighteen-a~~

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

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1 ~~or eighteen b]~~ of [~~the judiciary law~~] this chapter, or to rules adopted  
2 pursuant thereto, or to any other statute relating thereto, or refusal  
3 to be sworn as provided therein, or subsection of an employee to  
4 discharge [~~or~~], penalty, or discrimination in any other manner on  
5 account of [~~his~~] their absence from employment by reason of jury or  
6 subpoenaed witness service in violation of this chapter or section  
7 215.11 of the penal law. Applications to punish the accused for a  
8 contempt specified in this subdivision may be made by notice of motion  
9 or by order to show cause, and shall be made returnable at the term of  
10 the supreme court at which contested motions are heard, or of the county  
11 court if the supreme court is not in session.

12 § 3. Section 215 of the labor law, as amended by chapter 564 of the  
13 laws of 2010, paragraph (a) of subdivision 1 as amended by chapter 604  
14 of the laws of 2022, paragraph (b) of subdivision 1 and paragraph (a) of  
15 subdivision 2 as amended by chapter 537 of the laws of 2014, is amended  
16 to read as follows:

17 § 215. [~~Penalties~~] Civil penalties and civil action; prohibited retal-  
18 iation. 1. (a) No employer or [~~his or her~~] their agent, or the officer  
19 or agent of any corporation, partnership, or limited liability company,  
20 or any other person, shall discharge, threaten, penalize, or in any  
21 other manner discriminate or retaliate against any employee (i) because  
22 such employee has made a complaint to [~~his or her~~] their employer, or to  
23 the commissioner or [~~his or her~~] their authorized representative, or to  
24 the attorney general or any other person, that the employer has engaged  
25 in conduct that the employee, reasonably and in good faith, believes  
26 violates any provision of this chapter, or any order issued by the  
27 commissioner, or (ii) because such employer or person believes that such  
28 employee has made a complaint to [~~his or her~~] their employer, or to the  
29 commissioner or [~~his or her~~] their authorized representative, or to the  
30 attorney general, or to any other person that the employer has violated  
31 any provision of this chapter, or any order issued by the commissioner,  
32 or (iii) because such employee has caused to be instituted or is about  
33 to institute a proceeding under or related to this chapter, or (iv)  
34 because such employee has provided information to the commissioner or  
35 [~~his or her~~] their authorized representative or the attorney general, or  
36 (v) because such employee has testified or is about to testify in an  
37 investigation or proceeding under this chapter, or (vi) because such  
38 employee has otherwise exercised rights protected under this chapter, or  
39 (vii) because the employer has received an adverse determination from  
40 the commissioner involving the employee, or (viii) because such employee  
41 has used any legally protected absence pursuant to federal, local, or  
42 state law, including because such employee has exercised their right to  
43 be absent from employment pursuant to section five hundred nineteen of  
44 the judiciary law by reason of jury service.

45 An employee complaint or other communication need not make explicit  
46 reference to any section or provision of this chapter to trigger the  
47 protections of this section.

48 As used in this section, to threaten, penalize, or in any other manner  
49 discriminate or retaliate against any employee includes; threatening to  
50 contact or contacting United States immigration authorities or otherwise  
51 reporting or threatening to report an employee's suspected citizenship  
52 or immigration status or the suspected citizenship or immigration status  
53 of an employee's family or household member, as defined in subdivision  
54 two of section four hundred fifty-nine-a of the social services law, to  
55 a federal, state or local agency; or assessing any demerit, occurrence,  
56 any other point, or deductions from an allotted bank of time, which

1 subjects or could subject an employee to disciplinary action, which may  
2 include but not be limited to failure to receive a promotion or loss of  
3 pay.

4 (b) If after investigation the commissioner finds that an employer or  
5 person has violated any provision of this section, the commissioner may,  
6 by an order which shall describe particularly the nature of the  
7 violation, assess the employer or person a civil penalty of not less  
8 than one thousand nor more than ten thousand dollars provided, however,  
9 that if the commissioner finds that the employer has violated the  
10 provisions of this section in the preceding six years, [~~he or she~~] the  
11 commissioner may assess a civil penalty of not less than one thousand  
12 nor more than twenty thousand dollars. The commissioner may also order  
13 all appropriate relief including enjoining the conduct of any person or  
14 employer; ordering payment of liquidated damages to the employee by the  
15 person or entity in violation; and, where the person or entity in  
16 violation is an employer ordering rehiring or reinstatement of the  
17 employee to [~~his or her~~] their former position or an equivalent posi-  
18 tion, and an award of lost compensation or an award of front pay in lieu  
19 of reinstatement and an award of lost compensation. Liquidated damages  
20 shall be calculated as an amount not more than twenty thousand dollars.  
21 The commissioner may assess liquidated damages on behalf of every  
22 employee aggrieved under this section, in addition to any other remedies  
23 permitted by this section.

24 (c) The provisions of section two hundred thirteen of this article  
25 shall not apply to the violations specified in this section.

26 (d) This section shall not apply to employees of the state or any  
27 municipal subdivisions or departments thereof.

28 2. (a) [~~Am~~] In addition to the civil penalties provided for under  
29 subdivision one of this section, an employee may bring a civil action in  
30 a court of competent jurisdiction against any employer or persons  
31 alleged to have violated the provisions of this section. The court shall  
32 have jurisdiction to restrain violations of this section, within two  
33 years after such violation, regardless of the dates of employment of the  
34 employee, and to order all appropriate relief, including enjoining the  
35 conduct of any person or employer; ordering payment of liquidated  
36 damages, costs and reasonable attorneys' fees to the employee by the  
37 person or entity in violation; and, where the person or entity in  
38 violation is an employer, ordering rehiring or reinstatement of the  
39 employee to [~~his or her~~] their former position with restoration of  
40 seniority or an award of front pay in lieu of reinstatement, and an  
41 award of lost compensation and damages, costs and reasonable attorneys'  
42 fees. Liquidated damages shall be calculated as an amount not more than  
43 twenty thousand dollars. The court shall award liquidated damages to  
44 every employee aggrieved under this section, in addition to any other  
45 remedies permitted by this section. The statute of limitations shall be  
46 tolled from the date an employee files a complaint with the commissioner  
47 or the commissioner commences an investigation, whichever is earlier,  
48 until an order to comply issued by the commissioner becomes final, or  
49 where the commissioner does not issue an order, until the date on which  
50 the commissioner notifies the complainant that the investigation has  
51 concluded. Investigation by the commissioner shall not be a prerequisite  
52 to nor a bar against a person bringing a civil action under this  
53 section.

54 (b) At or before the commencement of any action under this section,  
55 notice thereof shall be served upon the attorney general by the employ-  
56 ee.

1 3. Any employer or [~~his or her~~ their] agent, or the officer or agent  
2 of any corporation, partnership, or limited liability company, or any  
3 other person who violates subdivision one of this section shall be guil-  
4 ty of a class B misdemeanor.  
5 § 4. This act shall take effect on the thirtieth day after it shall  
6 have become a law.