

MEMO IN SUPPORT

[A5825\(Cruz\)/S1096\(Liu\) of 2021](#)

April 28, 2021

TITLE OF BILL

An act to amend the civil service law, in relation to the definition of a public employee or employee.

SUMMARY OF PROVISIONS

Section 1 amends Paragraph (b) of subdivision 1 of section 75-b of the civil service law to include all employees of judges, justices of the unified court system, and members of the legislature within the definition of a "public employee" or "employee."

Section 2 makes the act effective immediately.

STATEMENT OF SUPPORT

The state's current whistleblower law for state employees, Section 75-b of the civil service law, excludes legislative or judicial staff from the definition of "public employee." This denies legislative and judicial employees the same protections afforded state agency employees under the law's whistleblower anti-retaliation provisions. The bill would add legislative and judicial staff to the definition of "public employee," closing a loophole in the civil service law.

Our groups support this legislation because it will help ensure that legislative and judicial employees who report violations of law, improper conduct, or abuses of power are better protected from retaliation or disciplinary action from their employers: the legislative and judicial branches of state government. State law should not discourage state employees from reporting violations of law, and there should not be separate standards for these legislative and judicial employees compared to state agency workers. This legislation would close this loophole and better enable all state employees to hold state government accountable for misconduct.

This bill is part of the Sexual Harassment Working Group's [2021 Legislative Agenda](#).