

LEGAL ALERT
COSTELLO, COONEY & FEARON, PLLC

NEXT UP IN NEW YORK? GOVERNOR SIGNS LEGISLATION GRANTING SECTION 75 RIGHTS TO LABOR CLASS CIVIL SERVICE EMPLOYEES

Without any fanfare, Governor Cuomo recently signed legislation to amend Section 75 of the New York State Civil Service Law. The legislation extends hearing rights (i.e., the right to written disciplinary charges and a hearing before imposition of discipline) to labor class employees after five years of continuous service in the non-competitive or labor class in a position not designated in the rules as confidential or requiring the performance of functions influencing policy.

This protection is similar to the rights of non-competitive class employees following five years of continuous service. By way of example, custodial workers, groundskeepers, food service helpers and laborers are generally classified within the labor class in most jurisdictions. Prior to the amendment, labor class employees had no such protections unless they were in a certain class of veterans or exempt volunteer firefighters.

The amendments to Section 75 are effective immediately. Labor class employees who have completed the requisite five years of continuous service are now protected pursuant to Section 75, and public employers must ensure that they proceed with caution in disciplining them.

RICHARD J. ANDINO

RJA@ccf-law.com

MELINDA B. BOWE

mbowe@ccf-law.com

DONALD S. DIBENEDETTO

dsd@ccf-law.com

ELIZABETH A. HOFFMAN

eah@ccf-law.com

JOHN R. LANGEY

jrl@ccf-law.com

CHRISTOPHER M. MILITELLO

cmilitello@ccf-law.com

MICHAEL A. TREMONT

mat@ccf-law.com

This communication is not intended to serve as legal advice.
9/18/2018