Legislation Details (With Text)

File #:	Res 0033-2022	**Version:** *	**Name:**	Certifying that school employees of the DOE, including but not limited to principals, teachers and administrators, will not be discharged or penalized in retaliation for disclosing information regarding an activity, policy, or practices.
Type:	Resolution		**Status:**	Filed (End of Session)
			In control:	Committee on Education
On agenda:	2/24/2022			
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Title: Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation certifying that school employees of the Department of Education, including but not limited to principals, teachers and administrators, will not be discharged or penalized in retaliation for disclosing information regarding an activity, policy, or practices that pose a substantial and specific threat to public health or safety within their working environment.

Sponsors:

Indexes:

Attachments: 1. Res. No. 33, 2. February 24, 2022 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 2-24-22, 4. Minutes of the Stated Meeting - February 24, 2022

Date	Ver.	Action By	Action	Result
2/24/2022	*	City Council	Introduced by Council	
2/24/2022	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Res. No. 33

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation certifying that school employees of the Department of Education, including but not limited to principals, teachers and administrators, will not be discharged or penalized in retaliation for disclosing information regarding an activity, policy, or practices that pose a substantial and specific threat to public health or safety within their working environment.

By the Public Advocate (Mr. Williams) and Council Member Hanif

Whereas, In February 2020, the first cases of COVID-19, the disease caused by the SARS-CoV-2 virus (coronavirus), were reported in the U.S., with the first confirmed case in New York State on March 1, 2020, as reported by the New York Times; and

Whereas, Nearly 300 million people worldwide have since been infected by the coronavirus, as reported by data published from various media outlets; and

Whereas, The New York Times reported that there have been over 800,000 deaths from COVID-19 in the United States as of January 2022; and

Whereas, The impact of the coronavirus pandemic, in terms of lives lost, strain on healthcare systems, closing of schools and businesses, loss of jobs and other forms of economic devastation is unprecedented in modern U.S. history; and

Whereas, The pandemic has also served to expose serious shortcomings in the enforcement of Federal employee whistleblower protection regulations, according to the National Employment Law Project; and

Whereas, Many states, including New York, have whistleblower laws that protect employees from retaliation for reporting employer actions that cause danger to public health and safety; and

Whereas, New York State Labor Law Section 740 protects employees who report a violation of the law that either poses a significant and specific danger to public health or safety, or is a form of health care fraud; and

Whereas, In order to be protected under section 740 of the Labor Law, the whistleblower employee must demonstrate that there was an "actual violation" of a safety statute or regulation creating a substantial and specific danger to public health or safety, and that the harm that results from the violation affects the public-at-large, as opposed to an individual or group; and

Whereas, According to Bloomberg Law, two states, Colorado and Virginia, recently passed new whistleblower laws to protect employees who raise concerns about coronavirus-related health and safety risks at work; and

Whereas, A number of states have whistleblower laws that specifically protect workers who raise safety concerns even if such concerns are not legal violations, as reported by Bloomberg Law; and

Whereas, Such laws recognize the need for protecting workers for reporting any activities that they believe pose a threat to health or safety, especially during a pandemic or other crisis; and

Whereas, Particularly in the case of school employees, who are responsible for the care and supervision

of children, it is crucial that teachers, principals and other school staff are able to speak out about any perceived health or safety risks to themselves or the children they serve without fear of reprisal; and

Whereas, State law does not currently provide protection unless an employee cites violation of a safety statute or regulation creating a substantial danger to the public health or safety; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation certifying that school employees of the Department of Education, including but not limited to principals, teachers and administrators, will not be discharged or penalized in retaliation for disclosing information regarding an activity, policy, or practices that pose a substantial and specific threat to public health or safety within their working environment.

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