



Legislation Text

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Int. No. 83-A

By Council Member Gioia, Gentile, Martinez, Weprin, Arroyo, Katz, James, Gonzalez, Gerson, Sears, Jackson, Palma and de Blasio

A Local Law to amend the administrative code of the city of New York, in relation to the protection of public employee whistleblowers.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 12-113 of chapter one of title 12 of the administrative code of the city of New York is amended by adding new paragraphs 4, 5 and 6 to read as follows:

4. “Child” shall mean any person under the age of nineteen, or any person ages nineteen through twenty-one if such person receives instruction pursuant to an individualized education plan.

5. “Educational welfare” shall mean any aspect of a child’s education or educational environment that significantly impacts upon such child’s ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.

6. “Superior officer” shall mean an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.

§ 2. Subdivision b of section 12-113 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health,

safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the commissioner, (ii) to a council member, the public advocate, the comptroller or the mayor, or (iii) to any superior officer.

§ 3. Subdivision f of section 12-113 of the administrative code of the city of New York is amended to read as follows:

f. Nothing in this section shall be construed to limit the rights of any officer or employee with regard to any administrative procedure or judicial review, nor shall anything in this section be construed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement or to prohibit any personnel action which otherwise would have been taken regardless of any report of information made pursuant to this section.

§ 4. This local law shall take effect immediately.

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4/02/07 11:58a.m.