

1 **2023 NYSAC Fall Seminar**
2 **Standing Committee on Public Employee Relations**
3 **Resolution #2**
4

5 **Resolution Calling on the State of New York to Continue a Fair and**
6 **Equitable Public Employee Discipline Process**

7 **WHEREAS**, New York Civil Service Law Section 75 governs the discipline and
8 termination process for a segment of public employees that are not covered directly by
9 collective bargaining agreements (CBAs); and

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11 **WHEREAS**, for public employees not under a CBA discipline process, Section 75
12 provides due process protections to individuals holding permanent appointments in
13 competitive class, non-competitive class, and labor class positions; and

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15 **WHEREAS**, the current State law allows these employees the right to written notice of
16 any entitlement to representation prior to questioning about matters that may lead to
17 discipline; the right to written disciplinary charges; and a hearing before the imposition
18 of any discipline; and

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20 **WHEREAS**, through Section 75 and CBA protections, New York public employees are
21 granted a fair process to hear and address any workplace disciplinary charges against
22 them, a process that is a balance by which a public employee cannot be unfairly
23 disciplined, while at the same time, public management is provided the ability to
24 address and correct misconduct in the workplace when necessary; and

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26 **WHEREAS**, in the 2022/2023 State legislative session, S.1039-A (Jackson) / A.3748-A
27 (Pheffer-Amato) was passed that if signed would amending Section 75, curtailing
28 management's powers when seeking to correct improper workplace conduct; and

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30 **WHEREAS**, this proposed law would change Section 75 by: 1) restricting management
31 to suspensions of 30 days or less while the hearing is pending; 2) no longer allowing
32 suspension without pay and; 3) giving more control to the employee in the process of
33 picking the hearing officer; and

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35 **WHEREAS**, New York residents need efficient and effective services provided by our
36 dedicated public workforce and in the rare instances that workplace maleficence occurs,
37 management needs a fair process to properly investigate and bring disciplinary charges
38 that will affect meaningful change; and

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40 **WHEREAS**, the equitable already process exists in the current Section 75 form, one
41 that ensures our public will receive needed services; and for safety and fairness, the vast
42 majority of the public workforce is working in a professional manner.

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44 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
45 Counties (NYSAC) calls on Governor Kathy Hochul to maintain the equitable public

1 employee discipline process within Civil Service Law Section 75 by vetoing S.1039-A
2 (Jackson) / A.3748-A (Pheffer-Amato); and

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4 **BE IT FURTHER RESOLVED**, copies of this resolution be sent to the counties of
5 New York State encouraging member counties to enact similar resolutions; and

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7 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
8 Governor Kathy Hochul, the New York State Legislature, and all others deemed
9 necessary and proper.