



New York State
PUBLIC EMPLOYEES
FEDERATION AFL-CIO
LEGISLATIVE DEPARTMENT
100 State Street, Suite 1070
Albany, NY 12207

Roger E. Benson, *President*

1-800-724-4997
1-518-432-4003
Fax: 1-518-432-7739

Jane Hallum, *Secretary Treasurer*

SUPPORT

February 15, 2005
A79\Pheffer

The New York State Public Employees Federation, representing 52,000 Professional, Scientific, and Technical workers of New York State, supports this legislation.

This bill would amend the Civil Service Law to provide that employees who have been removed from their position for a violation of law and subsequently reinstated pursuant to order of the Supreme Court be reimbursed for court costs and reasonable attorneys fees paid in pursuit of the court order.

The courts order reinstatement in cases where there has been a gross violation of due process resulting in an unfair disciplinary proceeding. Present law provides that the reinstated employee, who has prevailed in court when seeking such reinstatement be paid lost wages for the period of their removal. Principles of fairness dictate similar consideration for reinstated employees with regard to the expense borne by the employee fighting such wrongful dismissal. It was the employer's unfair disciplinary proceeding which prompted the expense of litigation. Like in many other areas of civil litigation, the defendant, the employer in these cases, should compensate the aggrieved employee for the costs incurred in vindicating him/herself and obtaining reinstatement.

For these reasons, the Public Employees Federation urges you to support this legislation.

For more information, please contact:

Brian F. Curran, Legislative Director and Counsel