

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2007**

No. 25

Introduced by Council Members 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.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 12, 2007 disapproved by the Mayor on May 11, 2007 and repassed by the Council Members on June 5, 2007 and said law is adopted notwithstanding the objection of the Mayor.

Victor L. Robles, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 025 of 2007, Council Int. No. 83-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 12, 2007:

43 For, 1 Against, 0 Not Voting

Was disapproved by the Mayor on May 11, 2007

Was returned to the City Clerk on May 11, 2007.

Was reconsidered by the Council on June 5, 2007 and received the following vote of the Council members at a meeting of the Council on June 5, 2007: 49 For, 1 Against, 0 Not Voting.

Jeffrey D. Friedlander, Acting Corporation Counsel.