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November 29, 2021

November Tip of the Month: New York Whistleblower Statute

On October 28, 2021, New York Governor Kathy Hochul signed into law legislation substantially broadening New York's whistleblower statute. Specifically, while the statute previously protected only current employees in reporting actual legal violations which created a danger to public health/safety or constitute healthcare fraud, effective January 26, 2022, these protections will extend to any current or former employee or independent contractor who reports activity that the individual "reasonably believes" to be a violation of any law, rule, or regulation, regardless of whether it relates to public health/safety or healthcare fraud. Among other changes, the amendments also (1) expand the definition of retaliation to include actions or threats that would adversely affect a former employee's current or future employment, (2) expand the statute of limitations from one to two years, and (3) require employers to notify employees of their rights under the amended statute. Employers must promptly begin updating their whistleblower policies, and must take steps to advise their employees of these newly expanded protections.

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