

New York Makes Some Workplace Assaults a Felony

By Nickole C. Winnett

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New York has beefed up protections for certain private and public sector employees, designating assaults against them as Class D felonies, rather than just Class A misdemeanors.

New York Governor [Andrew M. Cuomo](#) signed [three bills](#) that make it a Class D felony to assault a utility worker ([S. 2251](#)), a process server ([S. 2991](#)), or a worker who cleans mass transit stations or terminals ([S. 8104](#)). The new protections become effective on November 1, 2016.

“These workers perform tasks that are vital to the operation of New York institutions and have increasingly become the targets of aggression and assaults,” Governor Cuomo said. “Signing these measures into law will help better protect these employees from harm and I thank the sponsors for their work to get them passed.”

Class D felony assaults are punishable by up to seven years in prison. Class A misdemeanors carry a maximum of one year in jail.

In December 2015, Cuomo signed into law a bill making assaults on any workers doing

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direct care in hospitals, nursing homes, and clinics a Class D felony. Previously, the protection applied only to nurses, emergency medical personnel, and dozens of jobs in law enforcement, traffic control, fire-fighting, and other professions.

New York State Senator William Larkin said of the latest enactment, “I sponsored this legislation after hearing from a utility worker in my district who was violently attacked while simply doing his job. His story is unfortunately not unique.”

Labor unions representing the workers supported the new measures. James T. Slevin, President of [Local 1-2 of the AFL-CIO's Utility Workers of America](#), said, “Our Members face the same dangers every day that Police and Firefighters face, whether it’s entering a filthy drug den, confronting armed homeowners or just being out on the streets 24/7. Guns have been pulled on Members, knives have been waved and some have been shot and stabbed. And we do this at the same time that many of us are working with deadly, live electricity. It is dangerous and thankless work and our Members deserve all the protection that the Law can provide.”

Please contact Jackson Lewis with any questions about this and other workplace developments.

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