



New York State Department of Labor  
David A. Paterson, Governor  
Colleen C. Gardner, Commissioner

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May 7, 2010

[REDACTED]

Re: Request for Opinion  
Ticket Quotas  
RO-10-0022

Dear [REDACTED]:

This letter is in response to your facsimile dated February 10, 2010, in which you request an opinion as to whether Section 215-a of the Labor Law prohibits discrimination against police officers for failure to meet quota requirements for issuing tickets or summonses for criminal matters. Your letter states that many police officers are tasked with the issuance of tickets or summonses for many different types of laws and regulations other than traffic violations. You state that many of these individuals are being pressured to issue a set number of tickets or summonses for these matters, and ask if Section 215-a of the Labor Law prohibits such a practice.

Section 215-a prohibits discrimination against police officers as employees for failure to meet certain traffic ticket quotas. That Section defines the term "quota" as "a specific number of tickets or summonses issued for traffic violations other than parking, standing, or stopping which are required to be issued within a specified period of time." (Labor Law §215-a(2).) Accordingly, Section 215-a of the Labor Law does not prohibit police departments from setting quotas for non-traffic related matters since such matters are outside of the definition of the prohibited type of "quotas." I suggest you consult your State Assemblyperson or Senator to raise your concerns as to the limited applicability afforded police officers from quota requirements unrelated to traffic tickets.

Your letter also seeks an interpretation of the term "otherwise penalize" as it is used in Section 215-a and whether it includes a verbal admonishment or assigning officers to undesirable details. Section 215-a was intended to protect employees from adverse employment action for their refusal or failure to meet traffic ticket quotas. It is clearly remedial in nature and should be interpreted liberally so as to confer the maximum benefit to the employee in line with the

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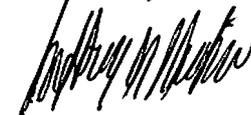
remedial purposes of the Labor Law. (see e.g., *Settlement Home Care v. Industrial Bd. of Appeals of Dep't of Labor*, 151 A.D.2d 580, 581 (2d Dep't 1989)], cited by *Matter of New York State Rest. Assn., Inc. v. Commissioner of Labor*, 45 A.D.3d 1133, 1135 (3d Dep't 2007); *In Re Ira Holm, et. al*, PR-08-0025 (Industrial Board of Appeals, 2008).) Therefore, it is the opinion of this Department that the term "otherwise penalize" should be construed broadly to include any adverse employment action taken against an employee, including transfers to undesirable assignments. As regards verbal admonishments, it would be necessary to look at the facts of the particular situation to determine whether the statements made rose to the level of an adverse employment action.

I trust this to be responsive to your inquiry. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel

By:



Jeffrey G. Shapiro  
Associate Attorney

JGS

cc: Carmine Ruberto