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I N   A S S E M B L Y

January 9, 2014

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Introduced by M. of A. ABBATE -- read once and referred to the Committee  
on Governmental Employees

AN ACT to amend the civil service law, in relation to mandatory arbitration

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (a) of subdivision 5 of section 209 of the civil  
2     service law, as added by chapter 929 of the laws of 1986, is amended to  
3     read as follows:  
4     (a) In the event that the board certifies that a voluntary resolution  
5     of the contract negotiations between either (i) the New York city transit  
6     authority (hereinafter referred to as TA-public employer) and the  
7     public employee organization certified or recognized to represent the  
8     majority of employees of such TA-public employer, or (ii) the metropolitan  
9     transportation authority, including its subsidiaries, the New York  
10    city transit authority, including its subsidiary, and the Triborough  
11    bridge and tunnel authority (all hereinafter referred to as MTA-public  
12    employer) and a public employee organization certified or recognized to  
13    represent employees of such MTA-public employer not subject to the  
14    jurisdiction of the Federal Railway Labor Act and not subject to the  
15    provisions of subparagraph (i) [hereof] OF THIS PARAGRAPH, which has  
16    made an election pursuant to paragraph (f) of this subdivision, OR (III)  
17    THE NEW YORK STATE POWER AUTHORITY AND THE PUBLIC EMPLOYEE ORGANIZATION  
18    CERTIFIED OR RECOGNIZED TO REPRESENT THE EMPLOYEES OF SUCH POWER AUTHORITY,  
19    cannot be effected, or upon the joint request of the TA-public  
20    employer [or], the MTA-public employer (hereinafter jointly referred to  
21    as public employer) OR THE POWER AUTHORITY-PUBLIC EMPLOYER and any such  
22    affected employee organization, such board shall refer the dispute to a  
23    public arbitration panel, consisting of one member appointed by the  
24    public employer, one member appointed by the employee organization and  
25    one public member appointed jointly by the public employer and employee  
26    organization who shall be selected within ten days after receipt by the  
27    board of a petition for creation of the arbitration panel. If either  
28    party fails to designate its member to the public arbitration panel, the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

1 board shall promptly, upon receipt of a request by either party, design-  
2 nate a member associated in interest with the public employer or employ-  
3 ee organization he is to represent. Each of the respective parties is to  
4 bear the cost of its member appointed or designated to the arbitration  
5 panel and each of the respective parties is to share equally the cost of  
6 the public member. If, within seven days after the mailing date, the  
7 parties are unable to agree upon the one public member, the board shall  
8 submit to the parties a list of qualified, disinterested persons for the  
9 selection of the public member. Each party shall alternately strike  
10 from the list one of the names with the order of striking determined by  
11 lot, until the remaining one person shall be designated as public  
12 member. This process shall be completed within five days of receipt of  
13 this list. The parties shall notify the board of the designated public  
14 member. The public member shall be chosen as chairman.

15 S 2. This act shall take effect immediately; provided, however, that  
16 the amendments made to paragraph (a) of subdivision 5 of section 209 of  
17 the civil service law by section one of this act shall not affect the  
18 expiration of such subdivision and shall be deemed to expire therewith.