S T A T E O F N E W Y O R K

3034

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sens. RANZENHOFER, ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT in relation to creating the public employees' fair employment act study commission

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

Section 1. Legislative findings. The legislature hereby finds that the public employees' fair employment act, as provided in article 14 of the civil service law, became effective in September of 1967 and has been in effect for nearly 40 years. Representatives of both public employees and employers have raised questions about the current law causing the legislature to query whether the law, as currently enacted, effectively addresses labor relations between public employers and public employees. The legislature, therefore, deems it appropriate to review and study the provisions of the act and if necessary, make recommendations as to amendments that will improve relations between public employers and employees, while better protecting the interests of public employees, the state, public employers and the residents of New York state.

S 2. The public employees' fair employment act study commission. 1. There is hereby established a commission to be known as the "public employees' fair employment act study commission" (hereinafter referred to in this section as the "commission"). The commission shall:

(a) be composed of 13 members appointed in accordance with subdivision 2 of this section; and

(b) conduct its business in accordance with the provisions of this section.

2. The members shall be appointed for the life of the commission as follows:

(a) 2 shall be appointed by the temporary president of the senate;

(b) 1 shall be appointed by the minority leader of the senate;

(c) 2 shall be appointed by the speaker of the assembly;

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

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(d) 1 shall be appointed by the minority leader of the assembly; and
(e) 7 shall be appointed by the governor.
3. The members of the commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the commission under subdivision 8 of this section. The members shall be from the public sector, who may include federal, state, or local officers or employees, members of academia, nonprofit organizations, or other interested individuals.
4. The temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly and the governor shall consult among themselves prior to the appointment of the members of the commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the commission under subdivision 8 of this section. After such consultation each shall make his or her respective appointment not later than 45 days after the effective date of this section. Any vacancy that occurs during the life of the commission shall not affect the powers of the commission and shall be filled in the same manner as the original appointment not later than 45 days after the vacancy occurs.
5. The initial meeting of the commission shall be conducted not later than 30 days after the appointment of the last member of the commission. The first act of the commission shall be to select by consensus a chairperson.
6. A majority of the members shall constitute a quorum to conduct business, but the commission may establish a lesser quorum for conducting hearings scheduled by the commission. Each member shall have 1 vote and the vote of each member shall be accorded the same weight. The commission may establish, by majority vote, any other rules for the conduct of the commission's business, insofar as such rules are not inconsistent with this section or other applicable law.
7. It is the duty of the commission to hold hearings across the state and conduct a comprehensive study of the practical application of article 14 of the civil service law, together with laws associated with the article, including but not limited to section 751 of the judiciary law and section 93-b of the general municipal law.
(a) The matters studied by the commission under this subdivision shall include, but not be limited to:
(1) the historic, economic and social changes in the context of the practical application of the existing law;
(2) the interests of public employees and public employers under the existing law; and
(3) the nature and source of the recommendations for change between public employees and public employers;
(b) Not later than 1 year after the date on which the commission first meets, the commission shall submit to the governor, the senate, the assembly, the comptroller and the attorney general a comprehensive report on the commission's findings and conclusions.
(c) Not later than 3 months after the submission of the report under paragraph (b) of this subdivision, the commission shall issue proposed changes to state laws and regulations to improve labor relations between public employees and public employers.
8. The commission shall have the power to hold hearings, at such sites and to act at such times and places, to take such testimony, and to receive such evidence as the commission considers advisable to carrying out its duties under this subdivision.

9. The members of the commission shall be allowed travel expenses at rates authorized for employees of state agencies while away from their homes or regular places of business in the performance of service for the commission.

10. The commission shall terminate 60 days after the commission submits the report required under subdivision 7 of this section.

S 3. This act shall take effect immediately.