

4357

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to strikes by public employees

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

1 Section 1. Section 200 of the civil service law, as amended by chapter  
2 24 of the laws of 1969, is amended to read as follows:

3 S 200. Statement of policy. The legislature of the state of New York  
4 declares that it is the public policy of the state and the purpose of  
5 this [act] ARTICLE to promote harmonious and cooperative relationships  
6 between government and its employees and to protect the public by assur-  
7 ing, at all times, the orderly and uninterrupted operations and func-  
8 tions of government. These policies are best effectuated by (a) grant-  
9 ing to public employees the right of organization and representation,  
10 (b) requiring the state, local governments and other political subdivi-  
11 sions to negotiate with, and enter into written agreements with employee  
12 organizations representing public employees which have been certified or  
13 recognized, (c) encouraging such public employers and such employee  
14 organizations to agree upon procedures for resolving disputes, (d)  
15 creating a public employment relations board to assist in resolving  
16 disputes between public employees and public employers, and (e) continu-  
17 ing the prohibition against strikes by public employees EXCEPT AS  
18 PROVIDED FOR IN THIS ARTICLE and providing remedies for violations of  
19 such prohibition.

20 S 2. Subdivision 1 of section 210 of the civil service law, as amended  
21 by chapter 24 of the laws of 1969, is amended to read as follows:

22 1. No public employee or employee organization shall engage in a  
23 strike, and no public employee or employee organization shall cause,  
24 instigate, encourage, or condone a strike; PROVIDED, HOWEVER, THAT IF A  
25 STRIKE BY PUBLIC EMPLOYEES OCCURS AFTER THE COLLECTIVE NEGOTIATION PROC-

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

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1 ESS SET FORTH IN SECTION TWO HUNDRED NINE OF THIS ARTICLE HAS BEEN  
2 COMPLETELY UTILIZED AND EXHAUSTED, IT SHALL NOT BE PROHIBITED.

3 S 3. Paragraph (a) of subdivision 2 of section 210 of the civil  
4 service law, as amended by chapter 24 of the laws of 1969, is amended to  
5 read as follows:

6 (a) Violations and penalties. [A] EXCEPT AS OTHERWISE PROVIDED IN  
7 SUBDIVISION ONE OF THIS SECTION, A public employee shall violate this  
8 subdivision by engaging in a strike or violating paragraph (c) of this  
9 subdivision and shall be liable as provided in this subdivision pursuant  
10 to the procedures contained herein. In addition, any public employee  
11 who violates subdivision one of this section may be subject to removal  
12 or other disciplinary action provided by law for misconduct.

13 S 4. Paragraph (h) of subdivision 3 of section 210 of the civil  
14 service law, as amended by chapter 24 of the laws of 1969, is amended to  
15 read as follows:

16 (h) No compensation shall be paid by a public employer to a public  
17 employee with respect to any day or part thereof when such employee is  
18 engaged in a strike against such employer IN VIOLATION OF SUBDIVISION  
19 ONE OF THIS SECTION. The chief fiscal officer of the government involved  
20 shall withhold such compensation upon receipt of the notice provided by  
21 paragraph (e) of subdivision two of THIS section [two hundred ten];  
22 notwithstanding the failure to have received such notice, no public  
23 employee or officer having knowledge that such employee has so engaged  
24 in such a strike shall deliver or [caused] CAUSE to be delivered to such  
25 employee any cash, check or payment which, in whole or in part, repres-  
26 ents such compensation.

27 S 5. This act shall take effect immediately.