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

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:

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

S 200. Statement of policy. The legislature of the state of New York declares that it is the public policy of the state and the purpose of this [act] ARTICLE to promote harmonious and cooperative relationships between government and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. These policies are best effectuated by (a) granting to public employees the right of organization and representation, (b) requiring the state, local governments and other political subdivisions to negotiate with, and enter into written agreements with employee organizations representing public employees which have been certified or recognized, (c) encouraging such public employers and such employee organizations to agree upon procedures for resolving disputes, (d) creating a public employment relations board to assist in resolving disputes between public employees and public employers, and (e) continuing the prohibition against strikes by public employees EXCEPT AS PROVIDED FOR IN THIS ARTICLE and providing remedies for violations of such prohibition.

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

1. No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage, or condone a strike; PROVIDED, HOWEVER, THAT IF A 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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ESS SET FORTH IN SECTION TWO HUNDRED NINE OF THIS ARTICLE HAS BEEN COMPLETELY UTILIZED AND EXHAUSTED, IT SHALL NOT BE PROHIBITED.

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

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

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

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

S 5. This act shall take effect immediately.