

1814

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 12, 2009

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Introduced by M. of A. NOLAN -- Multi-Sponsored by -- M. of A. McENENY,  
MILLMAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the rights of employees of charter schools; and to repeal paragraph (b-1) of subdivision 3 of section 2854 of such law relating to collective bargaining representation of employees of charter schools

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

1     Section 1. Paragraphs (b) and (c) of subdivision 3 of section 2854 of  
2     the education law, as added by chapter 4 of the laws of 1998, are  
3     amended to read as follows:  
4     (b) The school employees of a charter school [that has been converted  
5     from an existing public school] who are eligible for representation  
6     under article fourteen of the civil service law shall be deemed to be  
7     included within the negotiating unit containing like titles or posi-  
8     tions, if any, for the school district in which such charter school is  
9     located and shall be subject to the collective bargaining agreement  
10    covering that school district negotiating unit; provided, however, that  
11    a majority of the members of a negotiating unit within a charter school  
12    may modify, in writing, a collective bargaining agreement for the  
13    purposes of employment in the charter school with the approval of the  
14    board of trustees of the charter school.  
15    (c) The employees of the charter school [may] SHALL be deemed employ-  
16    ees of the local school district for the purpose of providing retirement  
17    benefits, including membership in the teachers' retirement system and  
18    other retirement systems open to employees of public schools. The finan-  
19    cial contributions for such benefits shall be the responsibility of the  
20    charter school and the school's employees. The commissioner, in consul-  
21    tation with the comptroller, shall develop regulations to implement the  
22    provisions of this paragraph in a manner that allows charter schools to

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

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1 provide retirement benefits to its employees in the same manner as other  
2 public school employees.

3 S 2. Paragraph (b-1) of subdivision 3 of section 2854 of the education  
4 law is REPEALED.

5 S 3. This act shall take effect on the thirtieth day after it shall  
6 have become a law.

REPEAL NOTE.--Paragraph (b-1) of subdivision 3 of section 2854 of the  
education law, proposed to be repealed by section two of this act,  
exempts employees of charter schools, that are not conversions from  
existing public schools, from collective bargaining representation by  
the unit representing public school employees.