

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

3550

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. COLTON,
GREENE, SCHROEDER -- read once and referred to the Committee on
Governmental Employees

AN ACT to amend the civil service law and the administrative code of the
city of New York, in relation to the ratification of a written agree-
ment between a public employer and an employee organization

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

1 Section 1. Section 201 of the civil service law is amended by adding
2 a new subdivision 13 to read as follows:
3 13. THE TERM "RATIFICATION PERIOD" MEANS THE PERIOD OF TIME DURING
4 WHICH THE EMPLOYEE ORGANIZATION SUBMITS A WRITTEN AGREEMENT TO ITS
5 MEMBERSHIP FOR A VOTE OR RE-VOTE TO ACCEPT OR REJECT THE AGREEMENT, AND
6 (A) IF SUCH AGREEMENT IS APPROVED BY SUCH MEMBERSHIP, THE SUBSEQUENT
7 PERIOD OF TIME DURING WHICH THE EMPLOYEE ORGANIZATIONS MAY PROVIDE THE
8 EMPLOYER WITH WRITTEN NOTICE FORMALLY ACCEPTING THE WRITTEN AGREEMENT;
9 OR (B) IF SUCH AGREEMENT IS VOTED DOWN BY SUCH MEMBERSHIP, THE SUBSE-
10 QUENT PERIOD OF TIME DURING WHICH THE EMPLOYEE ORGANIZATION MAY PROVIDE
11 THE EMPLOYER AND THE BOARD WRITTEN NOTICE FORMALLY REJECTING THE WRITTEN
12 AGREEMENT AND NOT SUBJECTING SUCH AGREEMENT TO A RE-VOTE.
13 S 2. Subdivision 1 of section 209 of the civil service law, as amended
14 by chapter 216 of the laws of 1977, is amended and a new subdivision 6
15 is added to read as follows:
16 1. For purposes of this section, an impasse may be deemed to exist if
17 the parties fail to achieve agreement at least one hundred twenty days
18 prior to the end of the fiscal year of the public employer; EXCEPT AS
19 OTHERWISE PROVIDED IN SUBDIVISION SIX OF THIS SECTION.
20 6. NOTWITHSTANDING ANY LAW, RULE, REGULATION OR AGREEMENT TO THE
21 CONTRARY, ONCE A WRITTEN AGREEMENT REGARDING THE TERMS AND CONDITIONS OF
22 EMPLOYMENT HAS BEEN NEGOTIATED SUBJECT TO RATIFICATION BY ALL OR PART OF
23 THE MEMBERSHIP OF AN EMPLOYEE ORGANIZATION, THE PUBLIC EMPLOYER, WHO IS

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

LBD02087-01-9

1 A PARTY TO SUCH AGREEMENT, SHALL NOT BE PERMITTED TO WITHDRAW OR OTHER-
2 WISE REPUDIATE ITS TERMS DURING THE RATIFICATION PERIOD. NOT MORE THAN
3 ONE HUNDRED TWENTY DAYS FROM THE DATE UPON WHICH AN AGREEMENT WHICH IS
4 SUBJECT TO RATIFICATION BY AN EMPLOYEE ORGANIZATION IS SIGNED BY THE
5 PUBLIC EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE EMPLOYEE ORGANIZATION
6 SHALL INFORM, IN WRITING AND AS SOON AS PRACTICABLE: (A) THE EMPLOYER
7 THAT SUCH RATIFICATION PROCESS IS CONCLUDED AND THE SUBJECT AGREEMENT IS
8 FORMALLY ACCEPTED; OR (B) THE EMPLOYER AND THE BOARD THAT (I) SUCH
9 RATIFICATION PROCESS IS CONCLUDED AND THE SUBJECT AGREEMENT IS FORMALLY
10 REJECTED AND IS NOT SUBJECT TO A RE-VOTE; OR (II) SUCH SUBJECT AGREEMENT
11 IS PENDING RECONSIDERATION AND RE-VOTE BY THE EMPLOYEE ORGANIZATION'S
12 MEMBERSHIP ON A FUTURE DATE CERTAIN. NO IMPASSE SHALL BE DEEMED TO EXIST
13 UNTIL SUCH RATIFICATION PERIOD HAS ENDED.

14 S 3. Subdivision 1 of section 209-a of the civil service law is
15 amended by adding a new paragraph (e-1) to read as follows:

16 (E-1) TO INTERFERE WITH, RESTRAIN OR COERCE INDIVIDUAL MEMBERS OR THE
17 EMPLOYEE ORGANIZATION, THROUGH STATEMENTS OR ACTIONS, WITH THE INTENT OF
18 AFFECTING THE OUTCOME OF A VOTE OR RE-VOTE AT ANY TIME, INCLUDING,
19 DURING THE RATIFICATION PERIOD;

20 S 4. Paragraph 5 of subdivision a of section 12-306 of the administra-
21 tive code of the city of New York, as added by local law number 26 of
22 the city of New York for the year 1998, is amended and a new paragraph 6
23 is added to read as follows:

24 (5) to unilaterally make any change as to any mandatory subject of
25 collective bargaining or as to any term and condition of employment
26 established in the prior contract, during a period of negotiations with
27 a public employee organization as defined in subdivision d of section
28 12-311 of this chapter[.];

29 (6) TO INTERFERE WITH, RESTRAIN OR COERCE INDIVIDUAL MEMBERS OR THE
30 EMPLOYEE ORGANIZATION, THROUGH STATEMENTS OR ACTIONS, WITH THE INTENT OF
31 AFFECTING THE OUTCOME OF A VOTE OR RE-VOTE AT ANY TIME, INCLUDING,
32 DURING THE RATIFICATION PERIOD, AS DEFINED IN SECTION TWO HUNDRED ONE OF
33 THE CIVIL SERVICE LAW.

34 S 5. Paragraph 5 of subdivision c of section 12-306 of the administra-
35 tive code of the city of New York is amended and a new paragraph 6 is
36 added to read as follows:

37 (5) if an agreement is reached, to execute upon request a written
38 document embodying the agreed terms, and to take such steps as are
39 necessary to implement the agreement[.];

40 (6) IF A WRITTEN AGREEMENT IS SUBMITTED TO THE MEMBERSHIP FOR A VOTE
41 OR RE-VOTE AND IS VOTED DOWN, SUCH AGREEMENT SHALL REMAIN OPEN FOR
42 ACCEPTANCE OR REJECTION BY THE EMPLOYEE ORGANIZATION DURING A RATIFICA-
43 TION PERIOD, AS DEFINED BY SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE
44 LAW.

45 S 6. This act shall take effect immediately.