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

3560

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to ordering a temporary cost of living increase to employees after a court grants an injunction in response to a strike

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

Section 1. Subdivision (d) of section 213 of the civil service law, as amended by chapter 503 of the laws of 1971, is amended to read as follows:

(d) In a proceeding to enforce or review an order of the board, the court shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a judgment or decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board. IF SUCH COURT ORDERS INJUNCTIVE RELIEF AT THE REQUEST OF THE EMPLOYER, SUCH COURT SHALL ALSO ORDER A TEMPORARY COST OF LIVING INCREASE IN SALARY TO BE PAID BY THE EMPLOYER TO THE EMPLOYEES UNTIL AN EMPLOYMENT CONTRACT IS FINALIZED. FOR PURPOSES OF THIS SUBDIVISION, SUCH TEMPORARY COST OF LIVING INCREASE SHALL BE CALCULATED AS THE GREATER OF EITHER THE CURRENT RATE OF INFLATION AS DETERMINED BY THE CONSUMER PRICE INDEX AS COMPUTED BY THE FEDERAL BUREAU OF LABOR STATISTICS OR THE AVERAGE RATE OF INFLATION DURING THE EMPLOYEES' MOST RECENT CONTRACT PERIOD; OR, IN THE ALTERNATIVE, AT A RATE DETERMINED BY SUCH COURT. SUCH COST OF LIVING INCREASE SHALL NOT BE BINDING ON THE FINAL NEGOTIATED CONTRACT.

S 2. This act shall take effect immediately.

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

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