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

4409

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. COLTON, 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 agreement between a public employer and an employee organization

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

Section 1. Section 201 of the civil service law is amended by adding a new subdivision 13 to read as follows:

13. THE TERM "RATIFICATION PERIOD" MEANS THE PERIOD OF TIME DURING WHICH THE EMPLOYEE ORGANIZATION SUBMITS A WRITTEN AGREEMENT TO ITS MEMBERSHIP FOR A VOTE OR RE-VOTE TO ACCEPT OR REJECT THE AGREEMENT, AND (A) IF SUCH AGREEMENT IS APPROVED BY SUCH MEMBERSHIP, THE SUBSEQUENT PERIOD OF TIME DURING WHICH THE EMPLOYEE ORGANIZATIONS MAY PROVIDE THE EMPLOYER WITH WRITTEN NOTICE FORMALLY ACCEPTING THE WRITTEN AGREEMENT; OR (B) IF SUCH AGREEMENT IS VOTED DOWN BY SUCH MEMBERSHIP, THE SUBSEQUENT PERIOD OF TIME DURING WHICH THE EMPLOYEE ORGANIZATION MAY PROVIDE THE EMPLOYER AND THE BOARD WRITTEN NOTICE FORMALLY REJECTING THE WRITTEN AGREEMENT AND NOT SUBJECTING SUCH AGREEMENT TO A RE-VOTE.

S 2. Subdivision 1 of section 209 of the civil service law, as amended by chapter 216 of the laws of 1977, is amended and a new subdivision 6 is added to read as follows:

1. For purposes of this section, an impasse may be deemed to exist if the parties fail to achieve agreement at least one hundred twenty days prior to the end of the fiscal year of the public employer; EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SIX OF THIS SECTION.

6. NOTWITHSTANDING ANY LAW, RULE, REGULATION OR AGREEMENT TO THE CONTRARY, ONCE A WRITTEN AGREEMENT REGARDING THE TERMS AND CONDITIONS OF EMPLOYMENT HAS BEEN NEGOTIATED SUBJECT TO RATIFICATION BY ALL OR PART OF 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.

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

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

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

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

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

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

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

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

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

S 6. This act shall take effect immediately.