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

8872

I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

AN ACT to amend the civil service law, in relation to arbitration decisions and judicial review of orders of the public employment relations board in labor matters

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

Section 1. The opening paragraph of subparagraph (v) of paragraph (c) of subdivision 4 of section 209 of the civil service law, as amended by chapter 216 of the laws of 1977, is amended to read as follows:

the public arbitration panel shall make a just and reasonable determination of the matters in dispute WITHIN THIRTY DAYS OF THE CONCLUSION OF ALL HEARINGS AND SUBMISSION OF ALL EVIDENCE. In arriving at such determination, the panel shall specify the basis for its findings, taking into consideration, in addition to any other relevant factors, the following:

S 2. The opening paragraph of paragraph (d) of subdivision 5 of section 209 of the civil service law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

Such panel shall make a just and reasonable determination of matters in dispute WITHIN THIRTY DAYS OF THE CONCLUSION OF ALL HEARINGS AND SUBMISSION OF ALL EVIDENCE. In arriving at such determination, the panel shall specify the basis for its findings, taking into consideration, in addition to any other relevant factors, the following:

S 3. Section 213 of the civil service law is amended by adding a new subdivision (f) to read as follows:

(F) A PROCEEDING TO ENFORCE OR REVIEW AN ORDER OF THE BOARD SHALL HAVE PREFERENCE OVER ALL OTHER CIVIL CAUSES IN ALL COURTS, EXCEPT ELECTION CAUSES, AND SHALL BE HEARD AND DETERMINED IN PREFERENCE TO ALL OTHER CIVIL BUSINESS PENDING THEREIN, EXCEPT ELECTION MATTERS, IRRESPECTIVE OF POSITION ON THE CALENDAR. APPEALS TAKEN TO THE COURT OF APPEALS OF THE STATE OF NEW YORK SHALL BE SUBJECT TO THE SAME PREFERENCE. A DECISION IN SUCH A PROCEEDING TO ENFORCE OR REVIEW AN ORDER OF THE BOARD SHALL BE

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

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RENDERED WITHIN THIRTY DAYS AFTER THE CONCLUSION OF PROOF THEREIN, UNLESS FOR GOOD CAUSE SHOWN, THE COURT HEARING SUCH A PROCEEDING EXTENDS THE TIME PERIOD FOR RENDERING THE DECISION. IN THE EVENT THE TIME PERIOD IS EXTENDED, THE COURT SHALL SET FORTH THE FACTUAL BASIS FOR THE EXTENSION.

S 4. This act shall take effect immediately, provided that the amendment to the opening paragraph of subparagraph (v) of paragraph (c) of subdivision 4 of section 209 of the civil service law made by section one of this act and the amendment to the opening paragraph of paragraph (d) of subdivision 5 of section 209 of the civil service law made by section two of this act shall not affect the expiration of such subdivisions and shall be deemed to expire therewith.