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I N  A S S E M B L Y

April 30, 2012

Introduced by M. of A. J. MILLER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to requiring a mandatory referendum on local union contracts; and to amend the education law, in relation to local union contracts involving school districts

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

Section 1. The general municipal law is amended by adding a new article 19-C to read as follows:

ARTICLE 19-C

REFERENDUM ON LOCAL UNION CONTRACTS

SECTION 990-L. DEFINITIONS.

990-M. MANDATORY REFERENDUM.

990-N. CONDUCT OF REFERENDUM.

S 990-1. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "LOCAL UNION CONTRACT" SHALL MEAN ANY WRITTEN AGREEMENT BETWEEN A PUBLIC EMPLOYER AND AN EMPLOYEE ORGANIZATION DETERMINING THE TERMS AND CONDITIONS OF EMPLOYMENT OF PUBLIC EMPLOYEES WHICH IS SUBJECT TO THE PROVISIONS OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

2. THE TERM "PUBLIC EMPLOYER" MEANS (A) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE, OR (B) A SCHOOL DISTRICT OR ANY GOVERNMENTAL EMPLOYER OPERATING A PUBLIC SCHOOL.

3. THE TERM "EMPLOYEE ORGANIZATION" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE LAW.

4. THE TERM "PUBLIC EMPLOYEE" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE LAW, EXCEPT THAT FOR PURPOSES OF THIS ARTICLE, THE TERM "PUBLIC EMPLOYEE" SHALL NOT INCLUDE:

(A) POLICE OFFICERS, AND

(B) ANY EMPLOYEE OF A FIRE COMPANY IF THE MAJORITY OF SUCH FIRE COMPANY'S FIREFIGHTERS ARE VOLUNTEERS AND SUCH VOLUNTEERS PROVIDE MORE THAN

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

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FIFTY PERCENT OF SUCH FIRE COMPANY'S MANPOWER WHEN RESPONDING TO FIRE ALARMS AND OTHER FIRE COMPANY CALLS.

5. "ENDORSED" SHALL MEAN ANY CAMPAIGN CONTRIBUTION AND IN-KIND CONTRIBUTION MADE BY ANY EMPLOYEE ORGANIZATION IN SUPPORT OF THE CAMPAIGN FOR ELECTION OF ANY MEMBER OF THE GOVERNING BOARD OF SUCH PUBLIC EMPLOYER.

S 990-M. MANDATORY REFERENDUM. 1. A LOCAL UNION CONTRACT SHALL NOT BECOME EFFECTIVE UNLESS SUCH CONTRACT HAS BEEN SUBMITTED TO THE QUALIFIED ELECTORS OF THE PUBLIC EMPLOYER AND RATIFIED BY SUCH ELECTORS, FOR THEIR APPROVAL OR DISAPPROVAL IN ACCORDANCE WITH THE PROVISIONS OF SECTION NINE HUNDRED NINETY-N OF THIS ARTICLE.

2. THE PROVISIONS OF THIS SECTION SHALL ONLY APPLY IF:

(A) THE MEMBERS OF THE EMPLOYEE ORGANIZATION ARE REQUIRED TO RATIFY SUCH CONTRACT; AND

(B) (I) IF A MAJORITY OF THE MEMBERS OF THE GOVERNING BOARD OF SUCH PUBLIC EMPLOYER WERE ENDORSED BY THE EMPLOYEE ORGANIZATION; OR

(II) IF ANY MEMBER OF THE GOVERNING BOARD OF SUCH PUBLIC EMPLOYER HAS A FAMILY MEMBER WHO IS A MEMBER OF THE EMPLOYEE ORGANIZATION AND SUCH MEMBER OF THE GOVERNING BODY WAS IN ANY WAY INVOLVED IN THE NEGOTIATIONS OF THE LOCAL UNION CONTRACT.

S 990-N. CONDUCT OF REFERENDUM. 1. (A) IF SUCH PUBLIC EMPLOYER IS A COUNTY, CITY OR TOWN, A REFERENDUM REQUIRED BY SECTION NINE HUNDRED NINETY-M OF THIS ARTICLE ON A PROPOSED LOCAL UNION CONTRACT SHALL BE PLACED BEFORE THE QUALIFIED ELECTORS IN THE COUNTY, CITY OR TOWN SERVICED BY SUCH EMPLOYER AT THE NEXT GENERAL ELECTION.

(B) IF SUCH PUBLIC EMPLOYER IS A VILLAGE A REFERENDUM REQUIRED BY SECTION NINE HUNDRED NINETY-M OF THIS ARTICLE ON A PROPOSED LOCAL UNION CONTRACT SHALL BE PLACED BEFORE THE QUALIFIED ELECTORS IN THE VILLAGE SERVICED BY SUCH EMPLOYER AT THE NEXT GENERAL VILLAGE ELECTION.

(C) IF SUCH PUBLIC EMPLOYER IS A SCHOOL DISTRICT, A REFERENDUM REQUIRED BY SECTION NINE HUNDRED NINETY-M OF THIS ARTICLE ON A PROPOSED LOCAL UNION CONTRACT SHALL BE PLACED BEFORE THE ELECTORS IN THE SCHOOL DISTRICT SERVICED BY SUCH EMPLOYER AT THE NEXT REGULAR SCHOOL DISTRICT ELECTION.

2. NOTICE OF THE REFERENDUM SHALL BE GIVEN TO THE ELECTORS OF THE PUBLIC EMPLOYER BY PUBLICATION IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE BOUNDARIES OF THE EMPLOYER AT LEAST ONCE A WEEK FOR FOUR CONSECUTIVE WEEKS IMMEDIATELY PRIOR TO THE REFERENDUM.

3. THE METHOD AND MANNER OF SUBMISSION, PREPARATION AND PROVISION OF BALLOT AND BALLOT LABELS, USE OF VOTING MACHINES, QUALIFICATIONS OF VOTERS, CORRECTING REGISTERS, AND CONDUCTING THE ELECTION, CANVASSING THE RESULT AND MAKING AND FILING THE RETURNS, AND ALL OTHER PROCEDURES WITH REFERENCE TO THE SUBMISSION OF ANY SUCH REFERENDUM, SHALL BE IN THE SAME METHOD AND MANNER USED FOR VOTING IN THE ELECTIONS PROVIDED FOR IN SUBDIVISIONS (A), (B) AND (C) OF SUBDIVISION ONE OF THIS SECTION, OR AS CLOSE AS IS PRACTICAL, AS DETERMINED BY THE COUNTY BOARD OF ELECTIONS IF SUCH PUBLIC EMPLOYER IS A COUNTY, CITY, TOWN OR VILLAGE, AND AS DETERMINED BY THE SCHOOL DISTRICT IF SUCH PUBLIC EMPLOYER IS A SCHOOL DISTRICT, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, OR A VOCATIONAL EDUCATIONAL AND EXTENSION BOARD OR A SCHOOL DISTRICT AS ENUMERATED IN SECTION ONE OF CHAPTER FIVE HUNDRED SIXTY-SIX OF THE LAWS OF NINETEEN HUNDRED SIXTY-SEVEN, AS AMENDED, PROVIDED, HOWEVER, ALL COSTS ASSOCIATED WITH THE BALLOTS TO BE USED AND ADDITIONAL POLL WORKERS NECESSARY FOR SUCH PROPOSED CONTRACT SHALL BE BORNE BY SUCH PUBLIC EMPLOYER.

S 2. Section 2022 of the education law is amended by adding a new subdivision 3-a to read as follows:

3-A. MANDATORY REFERENDUMS ON LOCAL UNION CONTRACTS INVOLVING SCHOOL DISTRICTS, REQUIRED PURSUANT TO SECTION NINE HUNDRED NINETY-M OF THE GENERAL MUNICIPAL LAW, SHALL BE SUBMITTED TO THE VOTE OF THE QUALIFIED VOTERS OF SUCH SCHOOL DISTRICT AT THE NEXT SUCCEEDING REGULAR SCHOOL DISTRICT ELECTION.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however that the amendments to section 2022 of the education law made by section two of this act shall survive the expiration and reversion of such section as provided in section 13 of part A of chapter 97 of the laws of 2011, as amended.