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

9659

I N A S S E M B L Y

May 14, 2014

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

AN ACT to amend the civil service law, in relation to the effect of a public employer designating funds for the resolution of disputes in the course of collective negotiations

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

Section 1. Clause b 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:

b. the interests and welfare of the public and the financial ability of the public employer to pay, PROVIDED, HOWEVER, THAT TO THE EXTENT THE LEGISLATIVE BODY OF THE PUBLIC EMPLOYER HAS DESIGNATED CERTAIN FUNDS FOR THE PURPOSE OF ACCOMMODATING ANY POTENTIAL EMPLOYEE CONTRACT AGREEMENT OR ARBITRATION AWARD WITH AN EMPLOYEE ORGANIZATION, SUCH FUNDS SHALL UNDER NO CIRCUMSTANCES BE CONSIDERED IN DETERMINING THE FINANCIAL ABILITY OF THE PUBLIC EMPLOYER TO PAY;

S 2. Subparagraph (iii) 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:

(iii) the impact of the panel's award on the financial ability of the public employer to pay, on the present fares and on the continued provision of services to the public, PROVIDED, HOWEVER, THAT TO THE EXTENT THE GOVERNING BOARD OF THE PUBLIC EMPLOYER HAS DESIGNATED CERTAIN FUNDS FOR THE PURPOSE OF ACCOMMODATING ANY POTENTIAL EMPLOYEE CONTRACT AGREEMENT OR ARBITRATION AWARD WITH AN EMPLOYEE ORGANIZATION, SUCH FUNDS SHALL UNDER NO CIRCUMSTANCES BE CONSIDERED IN DETERMINING THE FINANCIAL ABILITY OF THE PUBLIC EMPLOYER TO PAY;

S 3. This act shall take effect immediately; provided, however, that the amendments to subdivisions 4 and 5 of section 209 of the civil service law made by sections one and two of this act shall not affect the expiration of such subdivisions and shall be deemed to expire therewith.

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

LBD10261-03-4