

4955

2013-2014 Regular Sessions

I N   S E N A T E

May 1, 2013

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Introduced by Sen. SAVINO -- (at request of the Public Employment Relations Board) -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to the powers of the public employment relations board concerning injunctive relief in aid of improper practice charges

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

1     Section 1. Paragraph (b) of subdivision 4 of section 209-a of the  
2     civil service law, as added by chapter 695 of the laws of 1994, is  
3     amended to read as follows:  
4     (b) Within ten WORKING days of the receipt by the board of such peti-  
5     tion, if the board determines that a charging party has made a suffi-  
6     cient showing both that there is reasonable cause to believe an improper  
7     practice has occurred and it appears that immediate and irreparable  
8     injury, loss or damage will result thereby rendering a resulting judg-  
9     ment on the merits ineffectual necessitating maintenance of, or return  
10    to, the status quo to provide meaningful relief, the board shall peti-  
11    tion the supreme court, in Albany county, upon notice to all parties for  
12    the necessary injunctive relief or in the alternative may issue an order  
13    permitting the charging party to seek injunctive relief by petition to  
14    the supreme court, in which case the board must be joined as a necessary  
15    party. The board or, where applicable, the charging party, shall not be  
16    required to give any undertakings or bond and shall not be liable for  
17    any damages or costs which may have been sustained by reason of any  
18    injunctive relief ordered. If the board fails to act within ten days as  
19    provided herein, the board, for purposes of review, shall be deemed to  
20    have made a final order determining not to seek injunctive relief.  
21    S 2. This act shall take effect immediately, provided, however, that  
22    the amendment to subdivision 4 of section 209-a of the civil service law  
23    made by section one of this act shall not affect the repeal of such  
24    subdivision and shall be deemed repealed therewith.

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

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