

3058

2013-2014 Regular Sessions

I N A S S E M B L Y

January 23, 2013

Introduced by M. of A. SCHIMMINGER, TITUS, PERRY, COOK -- Multi-Sponsored by -- M. of A. GALEF, LAVINE, PEOPLES-STOKES, WRIGHT -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to creating the public employees' fair employment act study commission

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

1 Section 1. Legislative findings. The legislature hereby finds that the
2 public employees' fair employment act, as provided in article 14 of the
3 civil service law, became effective in September of 1967 and has been in
4 effect for over 40 years. Representatives of both public employees and
5 employers have raised questions about the current law causing the legis-
6 lature to query whether the law, as currently enacted, effectively
7 addresses labor relations between public employers and public employees.
8 The legislature, therefore, deems it appropriate to review and study the
9 provisions of the act and if necessary, make recommendations as to
10 amendments that will improve relations between public employers and
11 employees, while better protecting the interests of public employees,
12 the state, public employers and the residents of New York state.

13 S 2. The public employees' fair employment act study commission. 1.
14 There is hereby established a commission to be known as the "public
15 employees' fair employment act study commission" (hereinafter referred
16 to in this section as the "commission"). The commission shall:

17 (a) be composed of 13 members appointed in accordance with subdivision
18 2 of this section; and

19 (b) conduct its business in accordance with the provisions of this
20 section.

21 2. The members shall be appointed for the life of the commission as
22 follows:

23 (a) 2 shall be appointed by the temporary president of the senate;

24 (b) 1 shall be appointed by the minority leader of the senate;

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

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1 (c) 2 shall be appointed by the speaker of the assembly;

2 (d) 1 shall be appointed by the minority leader of the assembly; and

3 (e) 7 shall be appointed by the governor.

4 3. The members of the commission shall be individuals who have know-
5 ledge or expertise, whether by experience or training, in matters to be
6 studied by the commission under subdivision eight of this section. The
7 members shall be from the public sector, who may include federal, state,
8 or local officers or employees, members of academia, nonprofit organiza-
9 tions, or other interested individuals.

10 4. The temporary president of the senate, the minority leader of the
11 senate, the speaker of the assembly, the minority leader of the assembly
12 and the governor shall consult among themselves prior to the appointment
13 of the members of the commission in order to achieve, to the maximum
14 extent possible, fair and equitable representation of various points of
15 view with respect to the matters to be studied by the commission under
16 subdivision 8 of this section. After such consultation each shall make
17 his or her respective appointment not later than 45 days after the
18 effective date of this section. Any vacancy that occurs during the life
19 of the commission shall not affect the powers of the commission and
20 shall be filled in the same manner as the original appointment not later
21 than 45 days after the vacancy occurs.

22 5. The initial meeting of the commission shall be conducted not later
23 than 30 days after the appointment of the last member of the commission.
24 The first act of the commission shall be to select by consensus a chair-
25 person.

26 6. A majority of the members shall constitute a quorum to conduct
27 business, but the commission may establish a lesser quorum for conduct-
28 ing hearings scheduled by the commission. Each member shall have 1 vote
29 and the vote of each member shall be accorded the same weight. The
30 commission may establish, by majority vote, any other rules for the
31 conduct of the commission's business, insofar as such rules are not
32 inconsistent with this section or other applicable law.

33 7. It is the duty of the commission to hold hearings across the state
34 and conduct a comprehensive study of the practical application of arti-
35 cle 14 of the civil service law, together with laws associated with the
36 article, including but not limited to section 751 of the judiciary law
37 and section 93-b of the general municipal law.

38 (a) The matters studied by the commission under this subdivision shall
39 include, but not be limited to:

40 (1) the historic, economic, and social changes in the context of the
41 practical application of the existing law;

42 (2) the interests of public employees and public employers under the
43 existing law; and

44 (3) the nature and source of the recommendations for change between
45 public employees and public employers;

46 (b) Not later than 1 year after the date on which the commission first
47 meets, the commission shall submit to the governor, the senate, the
48 assembly, the comptroller and the attorney general a comprehensive
49 report on the commission's findings and conclusions.

50 (c) Not later than 3 months after the submission of the report under
51 paragraph (b) of this subdivision, the commission shall issue proposed
52 changes to state laws and regulations to improve labor relations between
53 public employees and public employers.

54 8. The commission shall have the power to hold hearings, at such sites
55 and to act at such times and places, to take such testimony, and to

1 receive such evidence as the commission considers advisable to carrying
2 out its duties under this subdivision.

3 9. The members of the commission shall be allowed travel expenses at
4 rates authorized for employees of state agencies while away from their
5 homes or regular places of business in the performance of service for
6 the commission.

7 10. The commission shall terminate 60 days after the commission
8 submits the report required under subdivision seven of this section.

9 S 3. This act shall take effect immediately.