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

7664

2013-2014 Regular Sessions

I N A S S E M B L Y

May 29, 2013

Introduced by M. of A. HEASTIE -- (at request of the Public Employment Relations Board) -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to the power of the public employment relations board to investigate unfair labor practices

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

Section 1. Subdivision 2 of section 706 of the labor law, as added by chapter 443 of the laws of 1937, is amended to read as follows:

2. Whenever a charge has been made that any employer has engaged in or is engaging in any unfair labor practice, the board OR ITS AGENT shall have THE power to [issue and cause to be served] SERVE upon such employer [a complaint stating the charges in that respect and containing a notice of hearing before the board at a place therein fixed to be held not less than seven days after the serving of said complaint] A COPY OF THE CHARGE THAT WAS FILED WITH THE BOARD AND A NOTICE SETTING THE DATE FOR THE SERVICE AND FILING OF AN ANSWER. Any such [complaint] CHARGE may be amended [by the board or its agent conducting the hearing at any time] FROM TIME TO TIME prior to the issuance of an order based thereon. The EMPLOYER OR THE person so [complained of] CHARGED shall have the right to file an answer to the original or amended [complaint not less than five days after the service of such original or amended complaint] CHARGE and to appear in person or otherwise to give testimony at the place and time set [in the complaint] BY THE BOARD OR ITS AGENT. In the discretion of a member or agent conducting the hearing, or of the board, any other person may be allowed to intervene in the said proceeding and to present testimony. In any such proceeding the board or its agent shall not be bound by technical rules of evidence prevailing in the courts of law or equity.

S 2. Subdivision 5 of section 708 of the labor law, as amended by chapter 496 of the laws of 1963, is amended to read as follows:

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

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5. [Complaints] CHARGES, PETITIONS, orders, and other process and papers of the board, its member, agent, or agency, may be served either personally or by [certified or registered] REGULAR mail [or by telegraph] or by leaving a copy thereof at the [principle] PRINCIPAL office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return [post-office] POST OFFICE receipt [or telegraph receipt] therefor when registered and mailed [or telegraphed] as aforesaid shall be proof of service of the same. Witnesses summoned before the board, its member, agent, or agency shall be paid the same fees and mileage that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. FINAL ORDERS ISSUED BY THE BOARD SHALL BE SERVED UPON THE PARTIES BY REGISTERED OR CERTIFIED MAIL.

S 3. This act shall take effect immediately.