

9077

I N A S S E M B L Y

January 25, 2016

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

AN ACT to amend the civil service law, in relation to prohibiting public employer and employee organization appointees from testifying before the public arbitration panel they are appointed to

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

1 Section 1. Subparagraph (iii) of paragraph (c) of subdivision 4 of
2 section 209 of the civil service law, as amended by chapter 442 of the
3 laws of 1995, is amended to read as follows:
4 (iii) the public arbitration panel shall hold hearings on all matters
5 related to the dispute. The parties may be heard either in person, by
6 counsel, or by other representatives, as they may respectively designate. The panel may grant more than one adjournment each for each party; provided, however, that a second request of either party and any subsequent adjournments may be granted on request of either party, provided
7 that the party which requests the adjournment shall pay the arbitrator's
8 fee. The parties may present, either orally or in writing, or both,
9 statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case ; PROVIDED,
10 HOWEVER, THE MEMBER APPOINTED BY THE PUBLIC EMPLOYER AND THE MEMBER
11 APPOINTED BY THE EMPLOYEE ORGANIZATION SHALL NOT TESTIFY BEFORE THE
12 PANEL HE OR SHE IS APPOINTED TO. The panel shall have authority to
13 require the production of such additional evidence, either oral or written as it may desire from the parties and shall provide at the request
14 of either party that a full and complete record be kept of any such
15 hearings, the cost of such record to be shared equally by the parties;
16 S 2. This act shall take effect immediately; provided, however, that
17 the amendments to subparagraph (iii) of paragraph (c) of subdivision 4
18 of section 209 of the civil service law made by section one of this act
19 shall not affect the expiration of such subdivision and shall be deemed
20 to expire therewith.
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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