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

8353

2015-2016 Regular Sessions

I N A S S E M B L Y

August 5, 2015

Introduced by M. of A. FITZPATRICK -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to negotiations between a governing board and a labor organization

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

Section 1. Section 710 of the labor law, as amended by section 7 of part O of chapter 56 of the laws of 2010, is amended to read as follows:

S 710. Public records and proceedings. 1. ALL NEGOTIATIONS BETWEEN A GOVERNING BOARD AND A LABOR ORGANIZATION SHALL BE IN OPEN SESSION AND SHALL BE AVAILABLE FOR THE PUBLIC TO ATTEND. THIS REQUIREMENT SHALL APPLY TO NEGOTIATIONS BETWEEN A GOVERNING BOARD'S DESIGNATED REPRESENTATIVES AND REPRESENTATIVES OF A LABOR ORGANIZATION. THIS REQUIREMENT SHALL ALSO APPLY TO MEETINGS WHERE LABOR NEGOTIATION ARBITRATORS, MEDIATORS OR SIMILAR LABOR DISPUTE MEETING FACILITATORS ARE PRESENT. PROVIDED, HOWEVER, THAT A GOVERNING BOARD OR ITS DESIGNATED REPRESENTATIVES MAY HOLD AN EXECUTIVE SESSION FOR THE PURPOSES OF: (A) CONSIDERING A LABOR CONTRACT OFFER OR TO FORMULATE A COUNTEROFFER, OR (B) RECEIVING INFORMATION ABOUT A SPECIFIC EMPLOYEE, WHEN THE INFORMATION HAS A DIRECT BEARING ON THE ISSUES BEING NEGOTIATED AND A REASONABLE PERSON WOULD CONCLUDE THAT THE RELEASE OF SUCH INFORMATION WOULD VIOLATE THAT EMPLOYEE'S RIGHT TO PRIVACY.

2. ALL DOCUMENTATION EXCHANGED BETWEEN THE PARTIES DURING NEGOTIATIONS, INCLUDING ALL OFFERS, COUNTEROFFERS AND MEETING MINUTES SHALL BE SUBJECT TO PUBLIC WRITINGS DISCLOSURE LAWS.

3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERNING BODY SHALL POST NOTICE OF ALL NEGOTIATION SESSIONS AT LEAST FOURTEEN CALENDAR DAYS PRIOR TO THE BEGINNING OF SUCH SESSIONS. THE MINIMUM ACCEPTABLE NOTIFICATION WILL BE ON THE FRONT PAGE OF THE GOVERNING BODY'S WEBPAGE. THE GOVERNING BODY SHALL ALSO POST NOTICE WITHIN TWENTY-FOUR HOURS AT ITS REGULAR MEETING PHYSICAL POSTING LOCATIONS.

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

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4. THE GOVERNING BOARD SHALL PROVIDE A FINANCIAL ANALYSIS OF EACH PROPOSED CONTRACT WHICH SHALL DETAIL THE ANNUAL COST OF THE PROPOSED CONTRACT AS WELL AS THE OVERALL COST OF THE CONTRACT.

5. Subject to rules and regulations to be made by the board consistent with article six of the public officers law, the complaints, orders and testimony relating to a proceeding instituted by the board under section seven hundred six of this article may be made public records and be made available for inspection or copying. All proceedings pursuant to section seven hundred six of this article shall be open to the public.

S 2. This act shall take effect immediately.