

9077

I N   A S S E M B L Y

January 25, 2016

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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.  
7     The panel may grant more than one adjournment each for each party;  
8     provided, however, that a second request of either party and any subsequent  
9     adjournments may be granted on request of either party, provided  
10    that the party which requests the adjournment shall pay the arbitrator's  
11    fee. The parties may present, either orally or in writing, or both,  
12    statements of fact, supporting witnesses and other evidence, and argument  
13    of their respective positions with respect to each case ; PROVIDED,  
14    HOWEVER, THE MEMBER APPOINTED BY THE PUBLIC EMPLOYER AND THE MEMBER  
15    APPOINTED BY THE EMPLOYEE ORGANIZATION SHALL NOT TESTIFY BEFORE THE  
16    PANEL HE OR SHE IS APPOINTED TO. The panel shall have authority to  
17    require the production of such additional evidence, either oral or written  
18    as it may desire from the parties and shall provide at the request  
19    of either party that a full and complete record be kept of any such  
20    hearings, the cost of such record to be shared equally by the parties;  
21    S 2. This act shall take effect immediately; provided, however, that  
22    the amendments to subparagraph (iii) of paragraph (c) of subdivision 4  
23    of section 209 of the civil service law made by section one of this act  
24    shall not affect the expiration of such subdivision and shall be deemed  
25    to expire therewith.

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

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