

STATE OF NEW YORK

7601--A

Cal. No. 560

2017-2018 Regular Sessions

IN ASSEMBLY

May 3, 2017

Introduced by M. of A. ABBATE, DE LA ROSA, VANEL, FAHY, HYNDMAN, WALKER, COLTON, LUPINACCI, JEAN-PIERRE, WOERNER, BARRON, ARROYO, SEPULVEDA, DICKENS, STECK, MOSLEY, WALLACE, HARRIS, RICHARDSON, ORTIZ, CYMBROWITZ, MAYER, SKOUFIS, PEOPLES-STOKES -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, HOOPER, LENTOL, THIELE -- read once and referred to the Committee on Governmental Employees -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the civil service law, in relation to membership dues in an employee organization and signed authorizations for deduction

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The civil service law is amended by adding a new section
2 159-d to read as follows:

3 § 159-d. Membership dues; signed authorization. 1. (a) A public
4 employer shall commence making deductions of membership dues in an
5 employee organization pursuant to a public employee's signed authori-
6 zation as soon as practicable but in no case later than thirty days
7 after receiving proof of a signed authorization.

8 (b) Any membership dues in an employee organization deducted from the
9 salary of a public employee shall be transmitted to the employee organ-
10 ization as soon as practicable but in no case later than thirty days
11 after the salary from which it is deducted is paid to the employee.

12 2. Within thirty days of a public employee first being paid after
13 being employed or reemployed by a public employer, or within thirty days
14 of being promoted or transferred to a new bargaining unit, the public
15 employer shall:

16 (a) notify the employee organization, if any, that represents that
17 bargaining unit of the employee's name, job title, work location, work
18 telephone number and hours of work; and

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

LBD11206-07-7

1 (b) allow a duly appointed representative of the employee organization
2 that represents that bargaining unit to meet with that employee during
3 work time, unless otherwise specified within an agreement bargained
4 collectively under article fourteen of the civil service law.

5 3. (a) Notwithstanding any other provision of law to the contrary, the
6 period of time that an authorization to deduct from the salary of a
7 public employee an amount for the payment of membership dues in an
8 employee organization shall remain in effect shall be the shorter of (i)
9 that set forth in the signed authorization, or (ii) as may be later
10 determined by a court of competent jurisdiction to be constitutionally
11 required or required by law.

12 (b) Notwithstanding any other provision of law to the contrary, the
13 period of time that a public employee shall have to withdraw a signed
14 authorization to deduct from his or her salary an amount for the payment
15 of membership dues in an employee organization prior to it being renewed
16 shall be the longer of (i) that set forth in the signed authorization,
17 or (ii) as may be later finally determined by a court of competent
18 jurisdiction to be constitutionally required or required by law.

19 4. A public employer shall accept a signed authorization to deduct
20 from the salary of a public employee an amount for the payment of his or
21 her membership dues in an employee organization in any format permitted
22 by article three of the state technology law.

23 5. Notwithstanding any other provision of law to the contrary, except
24 as provided in subdivision three of this section, any signed authori-
25 zation to deduct from the salary of a public employee an amount for the
26 payment of membership dues in an employee organization may be withdrawn
27 by such employee only in accordance with the terms of the signed author-
28 ization.

29 6. Notwithstanding any provision of article fourteen of this chapter
30 to the contrary, except as provided in subdivision three of this
31 section, as used in this section, the terms "public employee" and
32 "public employer" shall have the same meaning as set forth in section
33 two hundred one of this chapter, and the term "employee organization"
34 shall mean any employee organization, as that term is defined in section
35 two hundred one of this chapter, that has been certified or recognized
36 pursuant to article fourteen of this chapter or other applicable law as
37 the exclusive bargaining representative of public employees. Nothing in
38 this section shall be construed to make the comptroller of the state of
39 New York the public employer of any public employees except as set forth
40 in section two hundred one of this chapter.

41 7. (a) If any clause, sentence, paragraph, or subdivision of this
42 section shall be adjudged by a court of competent jurisdiction to be
43 unconstitutional or otherwise invalid, such judgment shall not affect,
44 impair or invalidate the remainder thereof, but shall be confined in its
45 operation to the clause, sentence, paragraph, or subdivision of this
46 section directly involved in the controversy in which such judgment
47 shall have been rendered.

48 (b) If any clause, sentence, paragraph, or part of a signed authori-
49 zation shall be adjudged by a court of competent jurisdiction to be
50 unconstitutional or otherwise invalid, such determination shall not
51 affect, impair or invalidate the remainder of such signed authorization
52 but shall be confined in its operation to the clause, sentence, para-
53 graph, or part of the signed authorization directly involved in the
54 controversy in which such judgment shall have been rendered.

55 § 2. This act shall take effect immediately.