

STATE OF NEW YORK

5778

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sens. ALCANTARA, SAVINO, KLEIN, PERALTA, HAMILTON, VALESKY, CARLUCCI, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

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 being employed or reem-
13 ployed by a public employer, or being promoted or transferred to a new
14 bargaining unit, the public employer shall: (a) notify the employee
15 organization, if any, that represents that bargaining unit of the
16 employee's name, job title, work location, work telephone number and
17 hours of work; and (b) allow a duly appointed representative of the
18 employee organization that represents that bargaining unit to meet with
19 that employee during work time for a maximum of one hour.

20 3. (a) Notwithstanding subdivision five of this section, the period of
21 time that an authorization to deduct from the salary of a public employ-
22 ee an amount for the payment of membership dues in an employee organiza-
23 tion shall remain in effect shall be the shorter of (i) that set forth
24 in the signed authorization, or (ii) as may be later determined by a

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

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1 court of competent jurisdiction to be constitutionally required or
2 required by law.

3 (b) Notwithstanding subdivision five of this section, the period of
4 time that a public employee shall have to withdraw a signed authori-
5 zation to deduct from his or her salary an amount for the payment of
6 membership dues in an employee organization prior to it being renewed
7 shall be the longer of (i) that set forth in the signed authorization,
8 or (ii) as may be later finally determined by a court of competent
9 jurisdiction to be constitutionally required or required by law.

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

14 5. Notwithstanding any other provision of law to the contrary, any
15 signed authorization to deduct from the salary of a public employee an
16 amount for the payment of membership dues in an employee organization
17 may be withdrawn by such employee only in accordance with the terms of
18 the signed authorization.

19 6. Notwithstanding any provision of article fourteen of this chapter
20 to the contrary, as used in this section, the terms "public employee"
21 and "public employer" shall have the same meaning as set forth in
22 section two hundred one of this chapter, and the term "employee organ-
23 ization" shall mean any employee organization, as that term is defined
24 in section two hundred one of this chapter, that has been certified or
25 recognized pursuant to article fourteen of this chapter or other appli-
26 cable law as the exclusive bargaining representative of public employ-
27 ees.

28 7. (a) If any clause, sentence, paragraph, or subdivision of this
29 section shall be adjudged by a court of competent jurisdiction to be
30 unconstitutional or otherwise invalid, such judgment shall not affect,
31 impair or invalidate the remainder thereof, but shall be confined in its
32 operation to the clause, sentence, paragraph, or subdivision of this
33 section directly involved in the controversy in which such judgment
34 shall have been rendered.

35 (b) If any clause, sentence, paragraph, or part of a signed authori-
36 zation shall be adjudged by a court of competent jurisdiction to be
37 unconstitutional or otherwise invalid, such determination shall not
38 affect, impair or invalidate the remainder of such signed authorization
39 but shall be confined in its operation to the clause, sentence, para-
40 graph, or part of the signed authorization directly involved in the
41 controversy in which such judgment shall have been rendered.

42 § 2. This act shall take effect immediately.