STATE OF NEW YORK

5778--A

Cal. No. 1344

2017-2018 Regular Sessions

IN SENATE

April 28, 2017

Introduced by Sens. ALCANTARA, SAVINO, KLEIN, PERALTA, HAMILTON, VALESKY, CARLUCCI, AVELLA, ADDABBO, BAILEY, COMRIE, GALLIVAN, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in 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:

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

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

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

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

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

(b) allow a duly appointed representative of the employee organization that represents that bargaining unit to meet with that employee during

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

LBD11206-06-7

work time, unless otherwise specified within an agreement bargained collectively under article fourteen of the civil service law.

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

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

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

5. Notwithstanding any other provision of law to the contrary, except as provided in subdivision three of this section, any signed authorization to deduct from the salary of a public employee an amount for the payment of membership dues in an employee organization may be withdrawn by such employee only in accordance with the terms of the signed authorization.

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

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

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

§ 2. This act shall take effect immediately.