

# STATE OF NEW YORK

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5778--A

Cal. No. 1344

2017-2018 Regular Sessions

## IN SENATE

April 28, 2017

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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:

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

19 (b) allow a duly appointed representative of the employee organization  
20 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.

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

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

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

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

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24 payment of membership dues in an employee organization may be withdrawn  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

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

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

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

53 § 2. This act shall take effect immediately.