STATE OF NEW YORK

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698

2017-2018 Regular Sessions

IN SENATE

January 4, 2017
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Introduced by Sens. FUNKE, 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 resolution of
  disputes in the course of collective negotiations

  **The People of the State of New York, represented in Senate and Assem-
  bly, do enact as follows:**

 1   Section 1. Paragraph (a) of subdivision 5 of section 209 of the civil
 2 service law, as added by chapter 929 of the laws of 1986, is amended to
 3 read as follows:
 4   (a) In the event that the board certifies that a voluntary resolution
 5 of the contract negotiations between either (i) the New York city trans-
 6 it authority (hereinafter referred to as TA-public employer) and the
 7 public employee organization certified or recognized to represent the
 8 majority of employees of such TA-public employer, or (ii) the metropol-
 9 itan transportation authority, including its subsidiaries, the New York
10 city transit authority, including its subsidiary, and the Triborough
11 bridge and tunnel authority (all hereinafter referred to as MTA-public
12 employer) and a public employee organization certified or recognized to
13 represent employees of such MTA-public employer not subject to the
14 jurisdiction of the Federal Railway Labor Act and not subject to the
15 provisions of subparagraph (i) [~~hereof~~] **of this paragraph**, which has
16 made an election pursuant to paragraph (f) of this subdivision, **or (iii)**
17 **the Niagara Frontier transportation authority, the Rochester-Genesee**
18 **regional transportation authority, the capital district transportation**
19 **authority and the central New York regional transportation authority**
20 **(all hereinafter referred to as upstate TA-public employer) and the**
21 **public employee organization certified or recognized to represent the**
22 **employees of such upstate TA-public employer,** cannot be effected, or
23 upon the joint request of the TA-public employer [~~or~~]**,** the MTA-public
24 employer (hereinafter jointly referred to as public employer) **or the**

 1 **upstate TA-public employer** and any such affected employee organization,
 2 such board shall refer the dispute to a public arbitration panel,
 3 consisting of one member appointed by the public employer, one member
 4 appointed by the employee organization and one public member appointed
 5 jointly by the public employer and employee organization who shall be
 6 selected within ten days after receipt by the board of a petition for
 7 creation of the arbitration panel. If either party fails to designate
 8 its member to the public arbitration panel, the board shall promptly,
 9 upon receipt of a request by either party, designate a member associated
10 in interest with the public employer or employee organization he is to
11 represent. Each of the respective parties is to bear the cost of its
12 member appointed or designated to the arbitration panel and each of the
13 respective parties is to share equally the cost of the public member.
14 If, within seven days after the mailing date, the parties are unable to
15 agree upon the one public member, the board shall submit to the parties
16 a list of qualified, disinterested persons for the selection of the
17 public member. Each party shall alternately strike from the list one of
18 the names with the order of striking determined by lot, until the
19 remaining one person shall be designated as public member. This process
20 shall be completed within five days of receipt of this list. The parties
21 shall notify the board of the designated public member. The public
22 member shall be chosen as chairman.
23   § 2. This act shall take effect immediately; provided, however, that
24 the amendments to paragraph (a) of subdivision 5 of section 209 of the
25 civil service law made by section one of this act shall not affect the
26 expiration of such subdivision and shall be deemed to expire therewith.