

# STATE OF NEW YORK

5367

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

Introduced by M. of A. FITZPATRICK, MONTESANO -- Multi-Sponsored by --  
M. of A. MANKTELOW -- read once and referred to the Committee on  
Labor

AN ACT to amend the labor law, in relation to negotiations between a  
governing board and a labor organization

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

1 Section 1. Section 710 of the labor law, as amended by section 7 of  
2 part O of chapter 56 of the laws of 2010, is amended to read as follows:

3 § 710. Public records and proceedings. 1. All negotiations between a  
4 governing board and a labor organization shall be in open session and  
5 shall be available for the public to attend. This requirement shall  
6 apply to negotiations between a governing board's designated represen-  
7 tatives and representatives of a labor organization. This requirement  
8 shall also apply to meetings where labor negotiation arbitrators, media-  
9 tors or similar labor dispute meeting facilitators are present.  
10 Provided, however, that a governing board or its designated represen-  
11 tatives may hold an executive session for the purposes of: (a) consider-  
12 ing a labor contract offer or to formulate a counteroffer, or (b)  
13 receiving information about a specific employee, when the information  
14 has a direct bearing on the issues being negotiated and a reasonable  
15 person would conclude that the release of such information would violate  
16 that employee's right to privacy.

17 2. All documentation exchanged between the parties during negoti-  
18 ations, including all offers, counteroffers and meeting minutes shall be  
19 subject to public writings disclosure laws.

20 3. Notwithstanding any provision of law to the contrary, the governing  
21 body shall post notice of all negotiation sessions at least fourteen  
22 calendar days prior to the beginning of such sessions. The minimum  
23 acceptable notification will be on the front page of the governing

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

LBD05729-01-9

1 body's webpage. The governing body shall also post notice within twen-  
2 ty-four hours at its regular meeting physical posting locations.

3 4. The governing board shall provide a financial analysis of each  
4 proposed contract which shall detail the annual cost of the proposed  
5 contract as well as the overall cost of the contract.

6 5. Subject to rules and regulations to be made by the board consistent  
7 with article six of the public officers law, the complaints, orders and  
8 testimony relating to a proceeding instituted by the board under section  
9 seven hundred six of this article may be made public records and be made  
10 available for inspection or copying. All proceedings pursuant to section  
11 seven hundred six of this article shall be open to the public.

12 § 2. This act shall take effect immediately.