

# STATE OF NEW YORK

1165

2019-2020 Regular Sessions

## IN SENATE

January 11, 2019

Introduced by Sen. FUNKE -- 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 Assembly, 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  
25 upstate TA-public employer and any such affected employee organization,

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

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1 such board shall refer the dispute to a public arbitration panel,  
2 consisting of one member appointed by the public employer, one member  
3 appointed by the employee organization and one public member appointed  
4 jointly by the public employer and employee organization who shall be  
5 selected within ten days after receipt by the board of a petition for  
6 creation of the arbitration panel. If either party fails to designate  
7 its member to the public arbitration panel, the board shall promptly,  
8 upon receipt of a request by either party, designate a member associated  
9 in interest with the public employer or employee organization he is to  
10 represent. Each of the respective parties is to bear the cost of its  
11 member appointed or designated to the arbitration panel and each of the  
12 respective parties is to share equally the cost of the public member.  
13 If, within seven days after the mailing date, the parties are unable to  
14 agree upon the one public member, the board shall submit to the parties  
15 a list of qualified, disinterested persons for the selection of the  
16 public member. Each party shall alternately strike from the list one of  
17 the names with the order of striking determined by lot, until the  
18 remaining one person shall be designated as public member. This process  
19 shall be completed within five days of receipt of this list. The parties  
20 shall notify the board of the designated public member. The public  
21 member shall be chosen as chairman.

22 § 2. This act shall take effect immediately; provided, however, that  
23 the amendments to paragraph (a) of subdivision 5 of section 209 of the  
24 civil service law made by section one of this act shall not affect the  
25 expiration of such subdivision and shall be deemed to expire therewith.