

STATE OF NEW YORK

10457--A

IN ASSEMBLY

May 25, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Septimo) --
read once and referred to the Committee on Ways and Means -- reported
and referred to the Committee on Rules -- Rules Committee discharged,
bill amended, ordered reprinted as amended and recommitted to the
Committee on Rules

AN ACT to amend the labor law, in relation to directing the New York
state public employment relations board to establish and promulgate
rules authorizing an electronic filing program to provide informative
materials for employees and employers on its website

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

1 Section 1. The labor law is amended by adding a new section 708-a to
2 read as follows:

3 § 708-a. E-filing program for the purpose of filing papers electron-
4 ically. 1. Notwithstanding any other provision of law, the New York
5 state public employment relations board shall establish and promulgate
6 rules authorizing an electronic filing program (hereinafter referred to
7 as "e-filing"), in the use of electronic means for: (a) the commencement
8 of a proceeding; and (b) the filing and service of papers in pending
9 proceedings. The board's website shall contain the e-filing program
10 along with instructions for e-filing, such rules regarding e-filing, and
11 certain forms promulgated by the board that parties or other persons may
12 use to prepare their documents for e-filing.

13 2. Unless otherwise permitted under this section, all documents filed
14 in cases before the board shall be filed electronically (hereinafter
15 referred to as "e-filed"), on the board's website, unless the party can
16 establish to the board that it does not have access to the means for
17 e-filing or that e-filing would impose an undue burden.

18 § 2. Subdivision 5 of section 708 of the labor law, as amended by
19 chapter 148 of the laws of 2013, is amended to read as follows:

20 5. [~~Charges~~] Complaints, charges, petitions, orders, notices of hear-
21 ing, and other process and papers of the board, parties appearing before
22 the board, its [~~member~~] members, [~~agent~~] agents, or agency, may be
23 served either personally or by regular mail or by leaving a copy thereof

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

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1 at the principal office or place of business of the person required to
2 be served, provided that service shall be effectuated by e-filing pursu-
3 ant to section seven hundred eight-a of this article upon the effective-
4 ness of such section, and further provided that until the effectiveness
5 of section seven hundred eight-a of this article, parties shall provide
6 courtesy copies of all process and papers served by regular mail to the
7 recipient party by electronic mail to the electronic mailing address
8 designated by the party for such purpose unless the party can establish
9 to the board that it does not have access to the means to send courtesy
10 copies by electronic mail or that it would impose an undue burden. The
11 verified return or certificate of service by the individual so serving
12 the same setting forth the manner of such service shall be proof of the
13 same, and the return post office receipt therefor when registered and
14 mailed as aforesaid shall be proof of service of the same. Witnesses
15 summoned before the board, its member, agent, or agency shall be paid
16 the same fees and mileage that are paid witnesses in the courts of this
17 state, and witnesses whose depositions are taken and the person taking
18 the same shall severally be entitled to the same fees as are paid for
19 like services in the courts of this state. [~~Final orders issued by the~~
20 ~~board shall be served upon the parties by registered or certified mail.~~]
21 The board shall e-file all orders, notices of hearing, and other process
22 and papers originating from the board pursuant to section seven hundred
23 eight-a of this article upon the effectiveness of such section, provided
24 that until the effectiveness of section seven hundred eight-a of this
25 article, the board shall serve final orders upon the parties by regis-
26 tered or certified mail and shall send courtesy copies of such orders,
27 notices of hearing, and other process and papers originating from the
28 board by electronic mail upon all parties who have provided an electron-
29 ic mailing address designated for such purpose.

30 § 3. The labor law is amended by adding a new section 710-a to read as
31 follows:

32 § 710-a. Publicly accessible decision index. The board shall establish
33 and maintain a current index, by topic, of the principles of law estab-
34 lished by the decisions rendered by the board and its predecessors and
35 the courts concerning matters arising under this article. Such index
36 shall cite all appropriate authority which supports such principles and,
37 where appropriate, all conflicting authority. Such index shall also
38 contain a glossary of technical and statutory terms commonly used by the
39 board in its decisions. Copies of such index shall be made available to
40 the public electronically on the board's website.

41 § 4. The labor law is amended by adding a new section 710-b to read as
42 follows:

43 § 710-b. Electronically available information. The board shall create
44 written materials informing employers and employees of the rights
45 afforded pursuant to this article to be made available on the board's
46 website. Such materials shall be translated into the twelve most common
47 non-English languages spoken by limited-English proficient individuals
48 in the state, based on the data in the most recent American Community
49 Survey published by the United States Census Bureau. Such materials
50 shall include the rights afforded under the farm laborers fair labor
51 practices act pursuant to chapter one hundred five of the laws of two
52 thousand nineteen.

53 § 5. This act shall take effect immediately; provided, however, that
54 sections one and three of this act shall take effect one year after it
55 shall have become a law and section four of this act shall take effect
56 on the one hundred twentieth day after it shall have become a law.

1 Effective immediately, the addition, amendment and/or repeal of any rule
2 or regulation necessary for the implementation of this act on its effec-
3 tive date are authorized to be made and completed on or before such
4 effective date.