

STATE OF NEW YORK

4108

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to mandatory arbitration

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 New York state power authority and the public employee organization
18 certified or recognized to represent the employees of such power author-
19 ity, cannot be effected, or upon the joint request of the TA-public
20 employer [~~or~~], the MTA-public employer (hereinafter jointly referred to
21 as public employer) or the power authority-public employer and any such
22 affected employee organization, such board shall refer the dispute to a
23 public arbitration panel, consisting of one member appointed by the
24 public employer, one member appointed by the employee organization and
25 one public member appointed jointly by the public employer and employee

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

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

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