STATE OF NEW YORK

9411

IN ASSEMBLY

March 3, 2022

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

AN ACT to amend the civil service law and the civil practice law and rules, in relation to the grounds for which the public employment relations board may seek injunctive relief

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

Section 1. Paragraph (a) of subdivision 4 of section 209-a of the civil service law, as added by chapter 695 of the laws of 1994, is amended to read as follows:

(a) A party filing an improper practice charge under this section may petition the board to obtain injunctive relief, pending a decision on the merits of said charge by an administrative law judge, upon a showing that: (i) there is reasonable cause to believe an improper practice has occurred, and (ii) where it appears that immediate and irreparable injury, loss or damage will result thereby rendering a resulting judgment on the merits ineffectual necessitating the maintenance of, or return to, the status quo to provide meaningful relief. **For the purposes of this subdivision, "irreparable injury, loss or damage" shall include, but not be limited to loss of employment, actions that adversely affect the health or welfare, or permanent loss of an employee right or privilege established pursuant to a collective bargaining agreement.**

§ 2. Section 6301 of the civil practice law and rules is amended to read as follows:

§ 6301. Grounds for preliminary injunction and temporary restraining order. A preliminary injunction may be granted in any action where it appears that the defendant threatens or is about to do, or is doing or procuring or suffering to be done, an act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual, or in any action where the plaintiff has demanded and would be entitled to a judgment restraining the defendant from the commission or continuance of an act, which, if committed or continued during the pendency of the action, would produce injury to the plaintiff. A temporary restraining order may be granted pending a hear-

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

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ing for a preliminary injunction where it appears that immediate and irreparable injury, loss or damage will result unless the defendant is restrained before the hearing can be had. **For the purposes of this section, "irreparable injury, loss or damage" shall include, but not be limited to loss of employment, actions that adversely affect the health or welfare, or permanent loss of an employee right or privilege established pursuant to a collective bargaining agreement, as set forth in subdivision four of section two hundred nine-a of the civil service law.**

§ 3. Subdivision (a) of section 6313 of the civil practice law and rules, as amended by chapter 235 of the laws of 1982, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction, the plaintiff shall show that immediate and irreparable injury, loss or damages will result unless the defendant is restrained before a hearing can be had, a temporary restraining order may be granted without notice. Upon granting a temporary restraining order, the court shall set the hearing for the preliminary injunction at the earliest possible time. No temporary restraining order may be granted in an action arising out of a labor dispute as defined in section eight hundred seven of the labor law, nor against a public officer, board or municipal corporation of the state to restrain the performance of statutory duties. **For the purposes of this subdivision, "irreparable injury, loss or damage" shall have the same meaning as set forth in section six thousand three hundred one of this article.**

§ 4. This act shall take effect immediately; provided, however, that the amendments to paragraph (a) of subdivision 4 of section 209-a of the civil service law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.