STATE OF NEW YORK

9250

IN SENATE

May 12, 2022
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Introduced by Sen. KENNEDY -- 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 amended by chapter 814 of the laws of 2021, is amended
3 to 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) of this paragraph, which has made an
16 election pursuant to paragraph (f) of this subdivision, or (iii) the
17 Niagara Frontier transportation authority**, including its subsidiaries**,
18 the Rochester-Genesee regional transportation authority, the capital
19 district transportation authority and the central New York regional
20 transportation authority (all hereinafter referred to as upstate
21 TA-public employer) and the public employee organization certified or
22 recognized to represent the employees of such upstate TA-public employ-
23 er, cannot be effected, or upon the joint request of the TA-public
24 employer, the MTA-public employer (hereinafter jointly referred to as
25 public employer) or the upstate TA-public employer and any such affected
26 employee organization, such board shall refer the dispute to a public
27 arbitration panel, consisting of one member appointed by the public
28 employer, one member appointed by the employee organization and one

1 public member appointed jointly by the public employer and employee
2 organization who shall be selected within ten days after receipt by the
3 board of a petition for creation of the arbitration panel. If either
4 party fails to designate its member to the public arbitration panel, the
5 board shall promptly, upon receipt of a request by either party, desig-
6 nate a member associated in interest with the public employer or employ-
7 ee organization he is to represent. Each of the respective parties is to
8 bear the cost of its member appointed or designated to the arbitration
9 panel and each of the respective parties is to share equally the cost of
10 the public member. If, within seven days after the mailing date, the
11 parties are unable to agree upon the one public member, the board shall
12 submit to the parties a list of qualified, disinterested persons for the
13 selection of the public member. Each party shall alternately strike from
14 the list one of the names with the order of striking determined by lot,
15 until the remaining one person shall be designated as public member.
16 This process shall be completed within five days of receipt of this
17 list. The parties shall notify the board of the designated public
18 member. The public member shall be chosen as chairman.
19   § 2. This act shall take effect immediately; provided, however, that
20 the amendments to paragraph (a) of subdivision 5 of section 209 of the
21 civil service law made by section one of this act shall not affect the
22 expiration of such subdivision and shall be deemed to expire therewith.