

STATE OF NEW YORK

10457

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

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 Assembly, 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, its member, agent, or
22 agency, may be served either personally or by regular mail or by leaving
23 a copy thereof at the principal office or place of business of the
24 person required to be served, or by e-filing pursuant to section seven
25 hundred eight-a of this article upon the effectiveness of such section,
26 provided that until the effectiveness of section seven hundred eight-a
27 of this article, parties shall provide courtesy copies of all process
28 and papers served by regular mail to the recipient party by electronic
29 mail to the electronic mailing address designated by the party for such

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

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1 purpose unless the party can establish to the board that it does not
2 have access to the means to send courtesy copies by electronic mail or
3 that it would impose an undue burden. The verified return or certificate
4 of service by the individual so serving the same setting forth the
5 manner of such service shall be proof of the same, and the return post
6 office receipt therefor when registered and mailed as aforesaid shall be
7 proof of service of the same. Witnesses summoned before the board, its
8 member, agent, or agency shall be paid the same fees and mileage that
9 are paid witnesses in the courts of this state, and witnesses whose
10 depositions are taken and the person taking the same shall severally be
11 entitled to the same fees as are paid for like services in the courts of
12 this state. Final orders issued by the board shall be served upon the
13 parties by registered or certified mail. The board shall e-file all
14 orders, notices of hearing, and other process and papers originating
15 from the board pursuant to section seven hundred eight-a of this article
16 upon the effectiveness of such section, provided that until the effec-
17 tiveness of section seven hundred eight-a of this article, the board
18 shall send courtesy copies of such orders, notices of hearing, and other
19 process and papers originating from the board by electronic mail upon
20 all parties who have provided an electronic mailing address designated
21 for such purpose.

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

24 § 710-a. Publicly accessible decision index. The board shall establish
25 and maintain a current index, by topic, of the principles of law estab-
26 lished by the decisions rendered by the board and its predecessors and
27 the courts concerning matters arising under this article and under arti-
28 cle fourteen of the civil service law. Such index shall cite all appro-
29 priate authority which supports such principles and, where appropriate,
30 all conflicting authority. Such index shall also contain a glossary of
31 technical and statutory terms commonly used by the board in its deci-
32 sions. Copies of such index shall be open for public inspection and
33 examination, and shall be made available at all locations where unem-
34 ployment insurance hearings, authorized or mandated under this article
35 are conducted, and electronically on the board's website.

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

38 § 710-b. Electronically available information. The board shall create
39 written materials informing employers and employees of the rights
40 afforded pursuant to this article and under article fourteen of the
41 civil service law to be made available on the board's website. Such
42 materials shall be translated into the twelve most common non-English
43 languages spoken by limited-English proficient individuals in the state,
44 based on the data in the most recent American Community Survey published
45 by the United States Census Bureau. Such materials shall include the
46 rights afforded under the farm laborers fair labor practices act pursu-
47 ant to chapter one hundred five of the laws of two thousand nineteen.

48 § 5. This act shall take effect immediately; provided, however, that
49 sections one and three of this act shall take effect one year after it
50 shall have become a law and section four of this act shall take effect
51 on the one hundred twentieth day after it shall have become a law.
52 Effective immediately, the addition, amendment and/or repeal of any rule
53 or regulation necessary for the implementation of this act on its effec-
54 tive date are authorized to be made and completed on or before such
55 effective date.