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:

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

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

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

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

5. [~~Charges~~] **Complaints, charges**, petitions, orders, **notices of hearing,** and other process and papers of the board, its member, agent, or agency, may be served either personally or by regular mail or by leaving a copy thereof at the principal office or place of business of the person required to be served**, or by e-filing pursuant to section seven hundred eight-a of this article upon the effectiveness of such section, provided that until the effectiveness of section seven hundred eight-a of this article, parties shall provide courtesy copies of all process and papers served by regular mail to the recipient party by electronic 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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purpose unless the party can establish to the board that it does not have access to the means to send courtesy copies by electronic mail or that it would impose an undue burden. The verified return or certificate of service by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt therefor when registered and mailed as aforesaid shall be proof of service of the same. Witnesses summoned before the board, its member, agent, or agency shall be paid the same fees and mileage that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. Final orders issued by the board shall be served upon the parties by registered or certified mail. The board shall e-file all orders, notices of hearing, and other process and papers originating from the board pursuant to section seven hundred eight-a of this article upon the effectiveness of such section, provided that until the effectiveness of section seven hundred eight-a of this article, the board shall send courtesy copies of such orders, notices of hearing, and other process and papers originating from the board by electronic mail upon all parties who have provided an electronic mailing address designated for such purpose.

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

§ 710-a. Publicly accessible decision index. The board shall establish and maintain a current index, by topic, of the principles of law established by the decisions rendered by the board and its predecessors and the courts concerning matters arising under this article and under article fourteen of the civil service law. Such index shall cite all appropriate authority which supports such principles and, where appropriate, all conflicting authority. Such index shall also contain a glossary of technical and statutory terms commonly used by the board in its decisions. Copies of such index shall be open for public inspection and examination, and shall be made available at all locations where unemployment insurance hearings, authorized or mandated under this article are conducted, and electronically on the board's website.

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

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

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