STATE OF NEW YORK

109

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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

AN ACT to amend the labor law and the civil service law, in relation to the designation and rights of employees of the legislature; and to repeal certain provisions of the civil service law relating thereto

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

Section 1. Section 715 of the labor law, as amended by chapter 890 of the laws of 1968, is amended to read as follows:

§ 715. Application of article. The provisions of this article shall not apply to: [~~(1)~~] employees of any employer who concedes to and agrees with the board that such employees are subject to and protected by the provisions of the national labor relations act or the federal railway labor act[~~; or (2) employees of the state or of any political or civil subdivision or other agency thereof~~].

§ 2. Subdivision (c) of section 35 of the civil service law is REPEALED.

§ 3. Paragraph (e) of subdivision 1 of section 41 of the civil service law, as added by chapter 790 of the laws of 1958, is amended and a new paragraph (f) is added to read as follows:

(e) all other subordinate offices or positions for the filling of which competitive or non-competitive examination may be found to be not practicable. Not more than one appointment shall be made to or under the title of any office or position placed in the exempt class pursuant to the provisions of this paragraph, unless a different number is specifically prescribed in the rules[~~.~~]**;**

(f) all officers and employees of the state legislature, and all officers and employees of any other legislative body whose principal functions and duties are directly related to the performance of the legislative functions of such body.

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

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§ 4. Paragraph (a) of subdivision 6 of section 201 of the civil service law, as amended by chapter 597 of the laws of 2000, is amended to read as follows:

(a) The term "government" or "public employer" means (i) the state of New York, (ii) a county, city, town, village or any other political subdivision or civil division of the state, (iii) a school district or any governmental entity operating a public school, college or university, (iv) a public improvement or special district, (v) a public authority, commission, or public benefit corporation, (vi) any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the state,[~~or~~] (vii) in the case of a county sheriff's office in those counties where the office of sheriff is an elected position, both the county and the sheriff, shall be designated as a joint public employer for all purposes of this article**, or (viii) a legislative body**.

§ 5. This act shall take effect immediately.