STATE OF NEW YORK

3537

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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:

Section 1. Paragraph (a) of subdivision 5 of section 209 of the civil service law, as added by chapter 929 of the laws of 1986, is amended to read as follows:

(a) In the event that the board certifies that a voluntary resolution of the contract negotiations between either (i) the New York city transit authority (hereinafter referred to as TA-public employer) and the public employee organization certified or recognized to represent the majority of employees of such TA-public employer, or (ii) the metropolitan transportation authority, including its subsidiaries, the New York city transit authority, including its subsidiary, and the Triborough bridge and tunnel authority (all hereinafter referred to as MTA-public employer) and a public employee organization certified or recognized to represent employees of such MTA-public employer not subject to the jurisdiction of the Federal Railway Labor Act and not subject to the provisions of subparagraph (i) [~~hereof~~] **of this paragraph**, which has made an election pursuant to paragraph (f) of this subdivision, **or (iii) the Niagara Frontier transportation authority, the Rochester-Genesee regional transportation authority, the capital district transportation authority and the central New York regional transportation authority (all hereinafter referred to as upstate TA-public employer) and the public employee organization certified or recognized to represent the employees of such upstate TA-public employer,** cannot be effected, or upon the joint request of the TA-public employer [~~or~~]**,** the MTA-public employer (hereinafter jointly referred to as public employer) **or the upstate TA-public employer** and any such affected employee organization,

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

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such board shall refer the dispute to a public arbitration panel, consisting of one member appointed by the public employer, one member appointed by the employee organization and one public member appointed jointly by the public employer and employee organization who shall be selected within ten days after receipt by the board of a petition for creation of the arbitration panel. If either party fails to designate its member to the public arbitration panel, the board shall promptly, upon receipt of a request by either party, designate a member associated in interest with the public employer or employee organization he is to represent. Each of the respective parties is to bear the cost of its member appointed or designated to the arbitration panel and each of the respective parties is to share equally the cost of the public member. If, within seven days after the mailing date, the parties are unable to agree upon the one public member, the board shall submit to the parties a list of qualified, disinterested persons for the selection of the public member. Each party shall alternately strike from the list one of the names with the order of striking determined by lot, until the remaining one person shall be designated as public member. This process shall be completed within five days of receipt of this list. The parties shall notify the board of the designated public member. The public member shall be chosen as chairman.

§ 2. This act shall take effect immediately; provided, however, that the amendments to paragraph (a) of subdivision 5 of section 209 of the civil service law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.