

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:

1 Section 1. Paragraph (a) of subdivision 5 of section 209 of the civil
2 service law, as added by chapter 929 of the laws of 1986, is amended to
3 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) [~~hereof~~] of this paragraph, which has
16 made an election pursuant to paragraph (f) of this subdivision, or (iii)
17 the Niagara Frontier transportation authority, the Rochester-Genesee
18 regional transportation authority, the capital district transportation
19 authority and the central New York regional transportation authority
20 (all hereinafter referred to as upstate TA-public employer) and the
21 public employee organization certified or recognized to represent the
22 employees of such upstate TA-public employer, cannot be effected, or
23 upon the joint request of the TA-public employer [~~or~~], the MTA-public
24 employer (hereinafter jointly referred to as public employer) or the
25 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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1 such board shall refer the dispute to a public arbitration panel,
2 consisting of one member appointed by the public employer, one member
3 appointed by the employee organization and one public member appointed
4 jointly by the public employer and employee organization who shall be
5 selected within ten days after receipt by the board of a petition for
6 creation of the arbitration panel. If either party fails to designate
7 its member to the public arbitration panel, the board shall promptly,
8 upon receipt of a request by either party, designate a member associated
9 in interest with the public employer or employee organization he is to
10 represent. Each of the respective parties is to bear the cost of its
11 member appointed or designated to the arbitration panel and each of the
12 respective parties is to share equally the cost of the public member.
13 If, within seven days after the mailing date, the parties are unable to
14 agree upon the one public member, the board shall submit to the parties
15 a list of qualified, disinterested persons for the selection of the
16 public member. Each party shall alternately strike from the list one of
17 the names with the order of striking determined by lot, until the
18 remaining one person shall be designated as public member. This process
19 shall be completed within five days of receipt of this list. The parties
20 shall notify the board of the designated public member. The public
21 member shall be chosen as chairman.

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