STATE OF NEW YORK

7798

2023-2024 Regular Sessions

IN ASSEMBLY

June 15, 2023

Introduced by M. of A. FALL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to employees covered under certain provisions relating to laborers, workmen or mechanics

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

Section 1. Subdivision 8-d of section 220 of the labor law, as amended by chapter 767 of the laws of 1984, is amended to read as follows:

8-d. **(a)** Notwithstanding any inconsistent provision of this chapter or of any other law, in a city of one million or more, where a majority of laborers, workmen or mechanics in a particular civil service title are members of an employee organization which has been certified or recognized to represent them pursuant to the provisions of article fourteen of the civil service law or a local law enacted thereunder, the public employer and such employee organization shall in good faith negotiate and enter into a written agreement with respect to the wages and supplements of the laborers, workmen or mechanics in the title. If the parties fail to achieve an agreement, only the employee organization shall be authorized to file a single verified complaint pursuant to subdivision seven herein, on behalf of the laborers, workmen or mechanics so represented. Such employee organization shall be the sole and exclusive representative of such laborers, workmen or mechanics at any hearing pursuant to subdivision eight herein, and shall be the sole complainant in the proceeding for all purposes therein, including review pursuant to article seventy-eight of the civil practice law and rules. Service by the fiscal officer on the employee organization shall be sufficient notice to the laborers, workmen or mechanics so represented for all purposes of subdivision eight herein, except that the issuance and enforcement of subpoenas shall be regulated by the civil practice law and rules. Any order, compromise, or settlement determining the issues raised upon such a proceeding, which has not been taken up for review by the employee

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

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organization, shall be binding upon the laborers, workmen or mechanics represented by the employee organization. Nothing herein shall be construed to limit the rights of any laborer, workman or mechanic who has on file a verified complaint prior to the effective date of this subdivision.

(b) For the purposes of this section, the phrase "laborers, workmen or mechanics" shall include, but not be limited to, employees of a public passenger ferry system employed as United States coast guard-licensed officers or in any position for which a United States coast guard officer license, endorsement or credential is required by law or by the relevant civil service job specifications. Such laborers, workmen or mechanics, through their employee organization(s), shall have, as an alternative to pursuing a prevailing rate determination from the relevant fiscal officer, the right to invoke and pursue collective bargaining impasse procedures available to other employees of their employer, and such laborers, workmen and mechanics shall also have the right to invoke and pursue any administrative or other proceedings, to pursue charges or other types of claims or complaints, and to seek remedies that are available to other employees of their employer pursuant to any relevant local collective bargaining, civil service, labor or personnel law, rules or regulations for the resolution or remedying of the employer's failure to bargain in good faith or other unfair or improper labor practices.

§ 2. This act shall take effect immediately.