

STATE OF NEW YORK

3762

2023-2024 Regular Sessions

IN ASSEMBLY

February 7, 2023

Introduced by M. of A. PHEFFER AMATO, COLTON -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to mandatory arbitration

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 amended by chapter 814 of the laws of 2021, is amended
3 to 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) of this paragraph, which has made an
16 election pursuant to paragraph (f) of this subdivision, or (iii) the
17 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, or (iv) the New York state
23 power authority and the public employee organization certified or recog-
24 nized to represent the employees of such power authority, cannot be
25 effected, or upon the joint request of the TA-public employer, the MTA-

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

LBD07845-01-3

1 public employer (hereinafter jointly referred to as public employer)
2 [~~ex~~], the upstate TA-public employer or the power authority-public
3 employer and any such affected employee organization, such board shall
4 refer the dispute to a public arbitration panel, consisting of one
5 member appointed by the public employer, one member appointed by the
6 employee organization and one public member appointed jointly by the
7 public employer and employee organization who shall be selected within
8 ten days after receipt by the board of a petition for creation of the
9 arbitration panel. If either party fails to designate its member to the
10 public arbitration panel, the board shall promptly, upon receipt of a
11 request by either party, designate a member associated in interest with
12 the public employer or employee organization he is to represent. Each of
13 the respective parties is to bear the cost of its member appointed or
14 designated to the arbitration panel and each of the respective parties
15 is to share equally the cost of the public member. If, within seven days
16 after the mailing date, the parties are unable to agree upon the one
17 public member, the board shall submit to the parties a list of quali-
18 fied, disinterested persons for the selection of the public member. Each
19 party shall alternately strike from the list one of the names with the
20 order of striking determined by lot, until the remaining one person
21 shall be designated as public member. This process shall be completed
22 within five days of receipt of this list. The parties shall notify the
23 board of the designated public member. The public member shall be chosen
24 as chairman.

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