

STATE OF NEW YORK

3767--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 7, 2023

Introduced by M. of A. PHEFFER AMATO, EACHUS -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to employee representation of state employees designated managerial or confidential

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

1 Section 1. Section 208 of the civil service law is amended by adding a
2 new subdivision 4-a to read as follows:

3 4-a. (a) Within thirty days of a public employee first being employed
4 or reemployed by a public employer, or within thirty days of being
5 promoted or transferred within the existing employing agency or a new
6 employing agency, the public employer shall notify any organization
7 incorporated prior to nineteen hundred eighty that exclusively advocates
8 for public employees covered under section two hundred fourteen of this
9 article, with the exception of collective negotiation, of the employee's
10 name, address, job title, employing agency, department or other operat-
11 ing unit, and work location; and

12 (b) Within thirty days of providing notice in paragraph (a) of this
13 subdivision, a public employer shall allow a duly appointed represen-
14 tative of any organization incorporated prior to nineteen hundred eighty
15 that exclusively advocates for public employees covered under section
16 two hundred fourteen of this article, with the exception of collective
17 negotiation, to meet with such employee for a reasonable amount of time
18 during his or her work time without charge to leave credits, unless
19 otherwise specified within an existing agreement, policy or procedure
20 currently existing for public employees covered under section two
21 hundred fourteen of this article, provided, however, that the arrange-

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

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1 ments for such meeting must be scheduled in consultation with a desig-
2 nated representative of the public employer; and

3 (c) Upon the request of any organization incorporated prior to nine-
4 teen hundred eighty that exclusively advocates for public employees
5 covered under section two hundred fourteen of this article, with the
6 exception of collective negotiation, and if the public employer conducts
7 new employee orientations, the public employer shall provide any organ-
8 ization incorporated prior to nineteen hundred eighty that exclusively
9 advocates for public employees covered under section two hundred four-
10 teen of this article, with the exception of collective negotiation,
11 mandatory access to such new employee orientations. Such organization
12 shall receive not less than ten days' notice in advance of an orien-
13 tation, except that a shorter notice may be provided in a specific
14 instance where there is an urgent need critical to the employer's oper-
15 ations that was not reasonably foreseeable to provide such notice. The
16 structure, time, and manner of exclusive representative access shall be
17 determined through mutual agreement between such organization and the
18 employer.

19 § 2. This act shall take effect immediately.