

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:

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

3 8-d. (a) Notwithstanding any inconsistent provision of this chapter or
4 of any other law, in a city of one million or more, where a majority of
5 laborers, workmen or mechanics in a particular civil service title are
6 members of an employee organization which has been certified or recog-
7 nized to represent them pursuant to the provisions of article fourteen
8 of the civil service law or a local law enacted thereunder, the public
9 employer and such employee organization shall in good faith negotiate
10 and enter into a written agreement with respect to the wages and supple-
11 ments of the laborers, workmen or mechanics in the title. If the parties
12 fail to achieve an agreement, only the employee organization shall be
13 authorized to file a single verified complaint pursuant to subdivision
14 seven herein, on behalf of the laborers, workmen or mechanics so repres-
15 ented. Such employee organization shall be the sole and exclusive repre-
16 sentative of such laborers, workmen or mechanics at any hearing pursuant
17 to subdivision eight herein, and shall be the sole complainant in the
18 proceeding for all purposes therein, including review pursuant to arti-
19 cle seventy-eight of the civil practice law and rules. Service by the
20 fiscal officer on the employee organization shall be sufficient notice
21 to the laborers, workmen or mechanics so represented for all purposes of
22 subdivision eight herein, except that the issuance and enforcement of
23 subpoenas shall be regulated by the civil practice law and rules. Any
24 order, compromise, or settlement determining the issues raised upon such
25 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.

LBD11751-01-3

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

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

24 § 2. This act shall take effect immediately.