

STATE OF NEW YORK

6498

2023-2024 Regular Sessions

IN SENATE

April 24, 2023

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 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, including its subsidiaries,
18 the Rochester-Genesee regional transportation authority, the capital
19 district transportation authority and the central New York regional
20 transportation authority (all hereinafter referred to as upstate
21 TA-public employer) and the public employee organization certified or
22 recognized to represent the employees of such upstate TA-public employ-
23 er, cannot be effected, or upon the joint request of the TA-public
24 employer, the MTA-public employer (hereinafter jointly referred to as
25 public employer) or the upstate TA-public employer and any such affected

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

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