

STATE OF NEW YORK

8512

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

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

AN ACT to amend the labor law, in relation to securing collective bargaining agreement validity during a change in operator or ownership

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

1 Section 1. The labor law is amended by adding a new section 706-a to
2 read as follows:

3 § 706-a. Prevention of unfair labor practices in transfer of oper-
4 ations. 1. For the purposes of this section, the following terms shall
5 have the following meanings:

6 (a) "Owner" shall mean the entity that holds legal title to the prop-
7 erty or facility, including any parent or affiliated companies.

8 (b) "Operator" shall mean the entity responsible for the day-to-day
9 management and operation of the property or facility, which may or may
10 not be the owner.

11 (c) "Successor operator" shall mean a person, company, or entity that
12 acquires a property or operation of an existing facility, whether by
13 sale, transfer, lease, takeover, assignment, reorganization, bankruptcy
14 proceeding, or other means.

15 (d) "Collective bargaining agreement" or "CBA" shall mean an agreement
16 between an owner or operator and a labor union that governs the terms
17 and conditions of employment for workers at a facility or property.

18 2. In the event that a property or facility which employs employees
19 subject to a collective bargaining agreement is sold, transferred,
20 leased, or otherwise acquired by a successor operator or owner, unless a
21 new CBA is made pursuant to applicable state and local laws, such
22 successor operator or owner shall agree, in writing, to:

23 (a) become a party bound by all terms, conditions, and obligations set
24 forth in the collective bargaining agreement; and

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

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1 (b) honor all employment terms and conditions, including, but not
2 limited to, wages, benefits, job security, and work opportunities, as
3 set forth in the existing agreement.

4 3. If, following a transfer of operations, the amount of work for some
5 or all employees increases, such increase shall be fully covered under
6 the terms and conditions of the collective bargaining agreement.

7 4. (a) If the owner and operator of a property or facility, following
8 one or more transfers of ownership or operation, are separate entities,
9 the leadership and board, if applicable, shall not overlap or commingle
10 in a way that would create a conflict of interest or which would allow
11 such owner or operator to avoid joint liability for honoring a collec-
12 tive bargaining agreement.

13 (b) If the successor operator and owner are found to share or commin-
14 gle leadership in a manner which was intended to or actually caused a
15 conflict of interest with respect to a CBA, such successor operator
16 shall be considered a continuation of the prior operator for purposes of
17 enforcing the CBA.

18 5. The board shall have the authority to enforce the provisions of
19 this section. By its own motion or at the request of the parties, the
20 board is authorized to initiate or arbitrate proceedings in relation to
21 a violation of this section pursuant to the provisions of section seven
22 hundred two-a of this article.

23 6. (a) Any successor operator who is found to have failed to comply
24 with this section shall be subject to a civil penalty not to exceed
25 fifty thousand dollars for each violation.

26 (b) If a successor operator fails to honor a collective bargaining
27 agreement in violation of this section, the affected labor union and its
28 employees may petition for reinstatement of the CBA by the public
29 employment relations board.

30 (c) In a legal proceeding against a successor operator or owner who
31 violates this section, in its discretion, the court may award specific
32 performance, monetary damages, back pay and lost wages, or some combina-
33 tion thereof.

34 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
35 sion, section or part of this act shall be adjudged by any court of
36 competent jurisdiction to be invalid, such judgment shall not affect,
37 impair, or invalidate the remainder thereof, but shall be confined in
38 its operation to the clause, sentence, paragraph, subdivision, section
39 or part thereof directly involved in the controversy in which such judg-
40 ment shall have been rendered. It is hereby declared to be the intent of
41 the legislature that this act would have been enacted even if such
42 invalid provisions had not been included herein.

43 § 3. This act shall take effect immediately.