STATE OF NEW YORK

6759

2025-2026 Regular Sessions

IN ASSEMBLY

March 12, 2025

Introduced by M. of A. WOERNER, PHEFFER AMATO, BRONSON, LUNSFORD, McMAHON -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing a correctional employee protective labor practices board

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

Section 1. The labor law is amended by adding a new article 37 to read as follows:

ARTICLE 37

PROTECTIVE LABOR PRACTICES FOR STATE CORRECTIONAL EMPLOYEES

Section 1045. Correctional employee protective labor practices board.

§ 1045. Correctional employee protective labor practices board. 1. Establishment. The commissioner shall hereby convene a state correctional employee protective labor practices board, hereinafter "board". The board shall be comprised of thirteen members, the commissioner of labor or their designee who shall act as chairperson, the commissioner of the department of corrections and community supervision or their designee, a representative of the labor union representing correctional officers, a representative of the labor union representing correctional lieutenants, a representative of the labor union representing correctional professional employees, a representative of the labor union representing correctional administrative and nonprofessional staff, a representative of the correctional association of New York, two members appointed by the state senate majority, one member appointed by the state senate minority, two members appointed by the state assembly majority and one member appointed by the state assembly minority. Members appointed by the legislature shall have relevant professional or lived experience. The members of the board shall not receive a salary or other compensation but shall be paid actual and necessary traveling expenses while engaged in the performance of their duties.

2. Organization. Three-quarters of the members of the board shall constitute a quorum. The chairperson may from time to time formulate rules governing the manner in which the board shall function and perform its duties under this article.

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

LBD10465-01-5

3. Functions, powers and duties. (a) Within forty-five days of the appointment of the board, the board shall conduct public hearings. The board shall only meet within the state and must hold at least three hearings at which the public will be afforded an opportunity to provide comments. At least one Spanish language interpreter shall be present at each public hearing to interpret oral testimony delivered in Spanish. Any materials advertising such hearings shall be bilingual in English and Spanish.

(b) The board shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to any matters under inquiry. Such subpoenas shall be signed and issued by the chairperson of the board and shall be served and have the same effect as if issued out of the supreme court. The board shall have power to cause depositions of witnesses residing within or without the state to be taken in the manner prescribed for like depositions in civil actions in the supreme court. The board shall not be bound by common law or statutory rules of procedure or evidence.

(c) The board shall consult with correctional employees and their respective representatives, with incarcerated individuals, and with such other persons, including the commissioners of health, mental health, and office of addiction services and support, as it shall determine. Notwithstanding any inconsistent provision of law, members of the board may enter any state correctional facility to tour the facility and interview correctional employees and incarcerated individuals, with at least three days' advance notice to the department of corrections and community services.

(d) The board shall review regulations, policies and procedures of the department of corrections and community supervision and evaluate levels of staffing, overtime practices, the effect of recent correctional facility closures on the correctional workforce, and any other aspect of the operation of correctional facilities relating to labor practices, working conditions and institutional safety of both correctional employees and incarcerated individuals.

(e) The board shall consider evidence-based best practices utilized in correctional facilities of other states and countries in making its recommendations pursuant to this section.

(f) Nothing contained in the board's report or recommendations made pursuant to this section shall diminish or limit any rights, protections, benefits or entitlements currently available to any correctional employee.

4. Report. The board shall make a report to the governor and the legislature, including its recommendations regarding labor practices and working conditions for correctional employees, and institutional safety of both correctional employees and incarcerated individuals. The report and recommendations of the board shall be submitted only after a vote of not less than a majority of all its members in support of such report and recommendations. Such report shall be submitted no later than September thirtieth, two thousand twenty-six.

5. Regulations. The commissioner of the department of corrections and community supervision shall issue new regulations, policies and procedures in keeping with the recommendations of the board to the extent practicable by March thirty-first, two thousand twenty-seven.

§ 2. This act shall take effect immediately.