STATE OF NEW YORK

8590

2025-2026 Regular Sessions

IN ASSEMBLY

May 21, 2025

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

AN ACT to amend the labor law, in relation to disputes between employers and recognized employee organizations

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

Section 1. Section 715 of the labor law, as amended by chapter 890 of the laws of 1968, is amended to read as follows:

§ 715. Application of article. **1.** The provisions of this article shall not apply to: [~~(1)~~] **(a)** employees of any employer who concedes to and agrees with the board that such employees are subject to and protected by the provisions of the [~~national labor relations act or the~~] federal railway labor act; [~~or (2)~~] **(b) employees where the national labor relations board successfully asserts jurisdiction over any employer, employees, trades, or industries pursuant to an order by the federal district court established under article three of the United States constitution; or (c)** employees of the state or of any political or civil subdivision or other agency thereof.

2. For all other employees, the board shall, upon application and verification, promptly certify the exclusive bargaining representative of any bargaining unit previously certified by another state or federal agency. All existing terms and conditions of employment between a certified exclusive bargaining representative and an employer shall remain in full force and effect through the board's verification process.

§ 2. The labor law is amended by adding a new section 702-c to read as follows:

§ 702-c. Impasse resolution procedures. 1. For purposes of this section, an impasse may be deemed to exist if the parties fail to achieve agreement for a first contract by the end of a forty-day period from the date of certification or recognition of an employee organization.

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

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2. Upon impasse, employers or recognized employee organizations may request the board to render assistance as provided in this section. If the board determines an impasse exists in the course of collective negotiations between an employer and a recognized employee organization, the board shall aid the parties in effecting a voluntary resolution of the dispute.

3. On request of either party, as provided in subdivision two of this section, and in the event the board determines that an impasse exists in collective negotiations between such employee organization and an employer as to the conditions of employment of employees, the board shall render assistance as follows:

(a) to assist the parties to reach a voluntary resolution of the dispute, the board shall appoint a mediator from a list of qualified persons maintained by the board;

(b) if the mediator appointed pursuant to paragraph (a) of this subdivision is unable to achieve settlement of the controversy within thirty days after such mediator's appointment, either party may petition the board to refer the dispute to a neutral arbitrator; and

(c) upon petition of either party, the board shall refer the dispute to a neutral arbitrator as follows:

(i) the neutral arbitrator shall be appointed jointly by the employer and employee organization within ten days after receipt by the board of a petition for arbitration. Each of the respective parties shall equally share the cost of the neutral arbitrator. If, within seven days after the mailing date, the parties are unable to agree upon the neutral arbitrator, the board shall submit to the parties a list of qualified, disinterested persons for the selection of a neutral arbitrator. Each party shall alternately strike from the list one of the names with the order of striking determined by lot, until the remaining one person shall be designated as the neutral arbitrator. This process shall be completed within five days of receipt of this list. The parties shall notify the board of the designated neutral arbitrator;

(ii) the neutral arbitrator shall hold hearings on all matters related to the dispute. The parties may be heard either in person, by counsel, or by other representatives, as they may respectively designate. The panel may grant more than one adjournment each for each party; provided, however, that a second request of either party and any subsequent adjournments may be granted on request of either party, provided that the party which requests the adjournment shall pay the arbitrator's fee. The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The arbitrator shall have authority to require the production of such additional evidence, either oral or written as such arbitrator may desire from the parties and shall provide at the request of either party that a full and complete record be kept of any such hearings, the cost of such record to be borne by the requesting party. If such record is created, it shall be shared with both parties regardless of which party paid for it;

(iii) the arbitrator shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the arbitrator shall specify the basis for such arbitrator's findings, taking into consideration, in addition to any factors stipulated by the parties or any other relevant factors, the following:

(1) comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours, and conditions of employment of other employees performing similar

services or requiring similar skills under similar working conditions and with other employees generally in employment in comparable communities;

(2) the interests and welfare of the employees and the financial ability of the employer to pay;

(3) comparison of peculiarities in regard to other trades or professions, including specifically:

(A) hazards of employment;

(B) physical qualifications;

(C) educational qualifications;

(D) mental qualifications; and

(E) job training and skills;

(iv) the determination of the neutral arbitrator shall be final and binding upon the parties for the period prescribed by the arbitrator, but in no event shall such period exceed two years from the date of the arbitrator's determination; and

(v) the determination of the public arbitration panel shall be subject to review by a court of competent jurisdiction in the manner prescribed by law.

§ 3. This act shall take effect immediately.