

STATE OF NEW YORK

8034

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

21 § 702-c. Impasse resolution procedures. 1. For purposes of this
22 section, an impasse may be deemed to exist if the parties fail to
23 achieve agreement for a first contract by the end of a forty-day period
24 from the date of certification or recognition of an employee organiza-
25 tion.

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

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

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

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

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

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

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

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

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

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

1 services or requiring similar skills under similar working conditions
2 and with other employees generally in employment in comparable communi-
3 ties;

4 (2) the interests and welfare of the employees and the financial abil-
5 ity of the employer to pay;

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

8 (A) hazards of employment;

9 (B) physical qualifications;

10 (C) educational qualifications;

11 (D) mental qualifications; and

12 (E) job training and skills;

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

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

20 § 3. This act shall take effect immediately.