

PART RRR

Section 1. Subdivision 1 of section 208 of the civil service law, as amended by chapter 503 of the laws of 1971, is amended and two new subdivisions 4 and 5 are added to read as follows:

1. A public employer shall extend to an employee organization certified or recognized pursuant to this article the following rights:

(a) to represent the employees in negotiations notwithstanding the existence of an agreement with an employee organization that is no longer certified or recognized, and in the settlement of grievances; and

(b) to membership dues deduction, upon presentation of dues deduction authorization cards signed by individual employees. **A public employer shall commence making such deductions as soon as practicable, but in no case later than thirty days after receiving proof of a signed dues deduction authorization card; and such dues shall be transmitted to the certified or recognized employee organization within thirty days of the deduction. A public employer shall accept a signed authorization to deduct from the salary of a public employee an amount for the payment of his or her dues in any format permitted by article three of the state technology law. The right to such membership dues deduction shall remain in full force and effect until:**

(i) an individual employee revokes membership in the employee organization in writing in accordance with the terms of the signed authorization; or

(ii) the individual employee is no longer employed by the public employer, provided that if such employee is, within a period of one year, employed by the same public employer in a position represented by the same employee organization, the right to such dues deduction shall be automatically reinstated.

(c) Should the individual employee who has signed a dues deduction authorization card either be removed from a public employer's payroll or otherwise placed on any type of involuntary or voluntary leave of absence, whether paid or unpaid, such public employee's membership in an employee organization shall be continued upon that public employee's return to the payroll or restoration to active duty from such a leave of absence.

4.

(a) Within thirty days of a public employee first being employed or reemployed by a public employer, or within thirty days of being promoted or transferred to a new bargaining unit, the

public employer shall notify the employee organization, if any, that represents that bargaining unit of the employee's name, address, job title, employing agency, department or other operating unit, and work location; and

(b) Within thirty days of providing the notice in paragraph a of this subdivision, a public employer shall allow a duly appointed representative of the employee organization that represents that bargaining unit to meet with such employee for a reasonable amount of time during his or her work time without charge to leave credits, unless otherwise specified within an agreement bargained collectively under article fourteen of the civil service law, provided however that arrangements for such meeting must be scheduled in consultation with a designated representative of the public employer (S. 7509--C 192 A. 9509--C).

5.

(a) If any clause, sentence, paragraph, or subdivision of this section shall be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or subdivision of this section directly involved in the controversy in which such judgment shall have been rendered.

(b) If any clause, sentence, paragraph, or part of a signed authorization shall be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such determination shall not affect, impair or invalidate the remainder of such signed authorization but shall be confined in its operation to the clause, sentence, paragraph, or part of the signed authorization directly involved in the controversy in which such judgment shall have been rendered.

§ 2. Subdivision 1 of section 93-b of the general municipal law, as amended by chapter 632 of the laws of 1964, is amended to read as follows:

1. The fiscal or disbursing officer of every municipal corporation or other civil division or political subdivision of the state is hereby authorized to deduct from the wage or salary of any employee of such municipal corporation or civil division or political subdivision of the state such amount that such employee may specify in writing filed with such fiscal or disbursing officer for the payment of dues in a duly organized

association or organization of civil service employees and to transmit the sum so deducted to the said association or organization. Any such written authorization [~~may be withdrawn by such employee or member at any time by filing written notice of such withdrawal with the fiscal or disbursing officer~~] **shall remain in effect in accordance with subdivision one of section two hundred eight of the civil service law.**

§ 3. Subdivision 2 of section 201 of the state finance law, as amended by chapter 233 of the laws of 1992, is amended to read as follows:

2. The comptroller is hereby authorized to deduct from the salary of any employee of the state such amount as such employee may specify in writing filed in a manner determined by the comptroller for the payment of membership dues in a duly organized association or organization of civil service employees or faculty members of the state university and to transmit the sums so deducted to the said association or organization. Any such written authorization [~~may be withdrawn by such employee at any time upon filing written notice of such withdrawal in a manner determined by the comptroller~~] **shall remain in effect in accordance with subdivision one of section two hundred eight of the civil service law.** The foregoing notwithstanding, and subject to the provisions of article fourteen of the civil service law, such deductions and transmittals shall be terminated as to one or more such associations or organizations in accordance with the written directions of the director of employee relations, not more than thirty days after receipt by the comptroller of such directions. The deductions and transmittals which were the subject of such directions shall not thereafter be resumed without the written approval of such director.

§ 4. Subdivision 2 of section 209-a of the civil service law, as amended by chapter 467 of the laws of 1990, is amended to read as follows:

2. Improper employee organization practices. It shall be an improper practice for an employee organization or its agents deliberately

(a) to interfere with, restrain or coerce public employees in the exercise of the rights granted in section two hundred two, or to cause, or attempt to cause, a public employer to do so **provided, however, that an employee organization does not interfere with, restrain or coerce public employees when it limits its services to and representation of non-members in accordance with this subdivision;**

(b) to refuse to negotiate collectively in good faith with a public employer, provided it is the duly recognized or certified representative of the employees of such employer; or

(c) to breach its duty of fair representation to public employees under this article. **Notwithstanding any law, rule or regulation to the contrary, an employee organization's duty of fair representation to a public employee it represents but who is not a member of the employee organization shall be limited to the negotiation or enforcement of the terms of an agreement with the public employer. No provision of this article shall be construed to require an employee organization to provide representation to a non-member (i) during questioning by the employer, (ii) in statutory or administrative proceedings or to enforce statutory regulatory rights, or (iii) in any stage of a grievance, arbitration or other contractual process concerning the evaluation or discipline of a public employee where the non-member is permitted to proceed without the employee organization and be represented by his or her own advocate. Nor shall any provision of this article prohibit an employee organization from providing legal, economic or job-related services or benefits beyond those provided in the agreement with a public employer only to its members.**

§ 5. Nothing in this act shall be construed to impede, infringe or diminish the rights and benefits which accrue to an employee organization through a bonafide collective bargaining agreement.

§ 6. This act shall take effect immediately.