

22 deduction. A public employer shall accept a signed authorization to
23 deduct from the salary of a public employee an amount for the payment of
24 his or her dues in any format permitted by article three of the state
25 technology law. The right to such membership dues deduction shall remain
26 in full force and effect until:

27 (i) an individual employee revokes membership in the employee organ-
28 ization in writing in accordance with the terms of the signed authori-
29 zation; or

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

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

42 4. (a) Within thirty days of a public employee first being employed or
43 reemployed by a public employer, or within thirty days of being promoted
44 or transferred to a new bargaining unit, the public employer shall noti-
45 fy the employee organization, if any, that represents that bargaining
46 unit of the employee's name, address, job title, employing agency,

47 department or other operating unit, and work location; and
48 (b) Within thirty days of providing the notice in paragraph a of this
49 subdivision, a public employer shall allow a duly appointed represen-
50 tative of the employee organization that represents that bargaining unit
51 to meet with such employee for a reasonable amount of time during his or
52 her work time without charge to leave credits, unless otherwise speci-
53 fied within an agreement bargained collectively under article fourteen
54 of the civil service law, provided however that arrangements for such

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1 meeting must be scheduled in consultation with a designated represen-
2 tative of the public employer.

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

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

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

20 1. The fiscal or disbursing officer of every municipal corporation or
21 other civil division or political subdivision of the state is hereby
22 authorized to deduct from the wage or salary of any employee of such
23 municipal corporation or civil division or political subdivision of the
24 state such amount that such employee may specify in writing filed with
25 such fiscal or disbursing officer for the payment of dues in a duly
26 organized association or organization of civil service employees and to
27 transmit the sum so deducted to the said association or organization.
28 Any such written authorization [**may be withdrawn by such employee or**
29 **member at any time by filing written notice of such withdrawal with the**
30 **fiscal or disbursing officer]** shall remain in effect in accordance with
31 subdivision one of section two hundred eight of the civil service law.

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

34 2. The comptroller is hereby authorized to deduct from the salary of
35 any employee of the state such amount as such employee may specify in
36 writing filed in a manner determined by the comptroller for the payment
37 of membership dues in a duly organized association or organization of
38 civil service employees or faculty members of the state university and
39 to transmit the sums so deducted to the said association or organiza-
40 tion. Any such written authorization [**may be withdrawn by such employee**
41 **at any time upon filing written notice of such withdrawal in a manner**

42 **determined by the comptroller] shall remain in effect in accordance with**
43 **subdivision one of section two hundred eight of the civil service law.**

44 The foregoing notwithstanding, and subject to the provisions of article
45 fourteen of the civil service law, such deductions and transmittals
46 shall be terminated as to one or more such associations or organizations
47 in accordance with the written directions of the director of employee
48 relations, not more than thirty days after receipt by the comptroller of
49 such directions. The deductions and transmittals which were the subject
50 of such directions shall not thereafter be resumed without the written
51 approval of such director.

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

55 2. Improper employee organization practices. It shall be an improper
56 practice for an employee organization or its agents deliberately (a) to

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1 interfere with, restrain or coerce public employees in the exercise of
2 the rights granted in section two hundred two, or to cause, or attempt
3 to cause, a public employer to do so **provided, however, that an employee**
4 **organization does not interfere with, restrain or coerce public employ-**
5 **ees when it limits its services to and representation of non-members in**
6 **accordance with this subdivision**; (b) to refuse to negotiate collective-
7 ly in good faith with a public employer, provided it is the duly recog-
8 nized or certified representative of the employees of such employer; or

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

26 **§ 5.** Nothing in this act shall be construed to impede, infringe or
27 diminish the rights and benefits which accrue to an employee organiza-
28 tion through a bonafide collective bargaining agreement.

29 **§ 6.** This act shall take effect immediately.