

# **NYS PERB NEWS**

February 2025

## **Some 2024 statistics**

--- 32 Board decisions issued (up from 21 in 2023).

--- 95 ALJ/HO/Director decisions issued (up from 83 in 2023).

--- 16 pending ALJ decisions as of December 31, 2024, that are more than 60 days past due from the submittal of closing briefs (down from 42 as of on July 30, 2024).

--- 85 private sector filings received (up from 34 in 2023).

--- 40 Office of Counsel matters undertaken (up from 21 in 2023).

## **Impending rule revisions**

At our December 17, 2024 meeting, the Board approved certain revisions to our public and private sector rules. The public sector changes involve eliminating the notarization requirement so that we can conform our forms to Civil Practice Law and Rules affirmation provisions. When adopted, an affirmation will be sufficient and there will be no more deficiency notices for failing to have a document properly notarized.

The private sector revisions involve clarifying various Farm Laborers Fair Labor Practices Act and State Employment Relations Act requirements including, among other things, the filing of decertification proceedings.

Upon certain further internal review, the appropriate State Administrative Procedure Act procedures will be followed for adoption of these changes, and the proposed rules will be published on our website.

## **Some procedural changes in public sector ALJ cases**

Improper practice charges involving demands for Taylor Law information will be given expedited treatment.

Unless otherwise directed, summations are now permissible instead of briefs, at the option of the party or parties, at the conclusion of a hearing.

### **Developing electronic filing**

PERB is actively working with NYS ITS in the intensive process of creating a new case management system to contain, among other things, an interactive portal for electronic filings throughout the Agency.

### **Facilitated Intensive Negotiations (“FIN”)**

PERB’s Office of Conciliation has developed an alternative model of collective bargaining in which parties commit to a limited but continuous meeting schedule to expedite the negotiation process. A PERB staff mediator facilitates the process using aspects of preventative mediation during three consecutive days of bargaining.

More information on PERB’s FIN services can be found on our website at [www.perb.ny.gov/office-conciliation](http://www.perb.ny.gov/office-conciliation).

Interested employee organizations and employers should contact the Director of Conciliation William Conley at [William.Conley@perb.ny.gov](mailto:William.Conley@perb.ny.gov) or 518-457-2690 to discuss the FIN process and its appropriateness for given bargaining relationships.

### **Requests for Counsel’s Office Opinions**

PERB’s Office of Counsel welcomes requests for formal or informal advisory opinions.

Counsel’s Office will prepare and disseminate formal advisory legal opinions for representatives of state agencies, local government, employee organizations, and other interested persons. Formal opinions are most appropriate for, but not limited to, circumstances where the inquiry is of interest to the general public and/or involves primarily a question of law. Formal opinions are published in *PERB Reports*.

The office also informally responds to persons who have inquiries regarding specific caselaw and general questions.

Opinions of Counsel generally are not appropriate in circumstances where parties are currently involved in litigation or preparing for litigation, and Office of Counsel maintains the discretion to decline to issue a requested Opinion of Counsel. These opinions do not constitute legal advice and are not an assessment of the merits of specific facts, but are intended to foster labor relations and allow

individuals and representatives to understand how the law might apply to a proposed action before taking it.

Requests for an Opinion of Counsel may be made by email to [perbinfo@perb.ny.gov](mailto:perbinfo@perb.ny.gov) with the subject line “request for Opinion of Counsel” or by mail to New York State Public Employment Relations Board, Office of Counsel, P.O. Box 2074, Empire State Plaza, Agency Building 2, 20<sup>th</sup> Floor, Albany, NY 12220-0074.

### **Additions to PERB Reports**

If parties know what we are doing and why, they will be better able to decide how to proceed in any particular situation.

From 2002 to 2010, Counsel Office decisions on injunction applications were published in *PERB Reports*. Recommencing in the 2024 *PERB Reports*, they will be published again.

Counsel Office decisions on enforcement applications have not been previously published but will be commencing in the 2024 *PERB Reports*.

### **Upcoming PERB training and requests for presentations**

Over the past several years there has been a significant turnover in union and management representatives throughout the labor relations community. To familiarize representatives with PERB staff, practices, and procedures, we are in the process of developing a series of educational forums at different locations around the State for union and management personnel and advocates. Further details will be forthcoming.

Other requests for PERB to provide a speaker for an upcoming presentation, training, or conference may be made by email to [perbinfo@perb.ny.gov](mailto:perbinfo@perb.ny.gov) or by mail to New York State Public Employment Relations Board, Executive Office, P.O. Box 2074, Empire State Plaza, Agency Building 2, 20<sup>th</sup> Floor, Albany, NY 12220-0074.

PERB welcomes the opportunity to connect with and assist the public and union and management personnel and advocates in our State.