

# **NYS PERB NEWS**

January 2026

## **Productivity Explosion at PERB**

During calendar year 2025, the Board issued 54 decisions, a 69% increase from 2024 when the Board issued 32 decisions. This is the most decisions issued by the Board in 13 years, since 2012.

During calendar year 2025, PERB ALJs, Assistant Directors and Directors issued 113 decisions, a 23% increase from the 92 issued in 2024. This is the most such decisions issued in 10 years, since 2015.

PERB Counsel's Office matters (litigation, injunction applications, enforcement actions, etc.) have increased from 21 in 2023, to 50 in 2025, a 138% increase.

## **Increased Timeliness of Decisions**

As of July 30, 2024, there were 12 public sector improper practice charge cases where closing briefs had been submitted to the ALJ but more than a year had elapsed and no decision had yet been issued. As of January 2, 2026, that number had been reduced to 3 cases, a 75% reduction.

As of July 30, 2024, there were 19 public sector improper practice charge cases where closing briefs had been submitted to the ALJ but more than six months had elapsed and no decision had yet been issued. As of January 2, 2026, that number had been shrunk to 1 case, a 94% reduction.

As of July 30, 2024, there were 19 ALJ decisions that had not yet been issued more than 60 days from the submitting of the closing briefs. As of January 2, 2026, there were 16, a 16% reduction.

Overall, as of July 30, 2024, there were 50 such "late" decisions; as of January 2, 2026, there were 20 such decisions, a 60% reduction. And, as indicated above, the "lateness" of such decisions was drastically shorter.

We are making substantial progress toward eliminating any backlog and reaching our goal this year of getting all decisions out 60 days from the submittal of closing briefs or summations.

## **Electronic Filing Coming Now Not Later**

We have been advised that our new computer case management system, which will contain an electronic portal filing system, will now not be ready until at least late 2026. We are not going to wait.

Effective March 16, 2026, PERB is instituting an electronic filing system for the Office of Public Employment Practices and Representation and Counsel's Office through the use of a system similar to the email filing system we have already been using for Board, Private Sector/FLFLPA, and Conciliation filings. Except for a limited opt-out, all filings henceforth will be electronic with no mailings or hardcopies required (with one exception - original showings of interest in representation cases). Detailed instructions will shortly be posted on our website.

## **PERB FLFLPA Administration Sustained in First State Cases**

In the first two State court challenges to PERB decisions under the relatively new Farm Laborers' Fair Labor Practices Act (FLFLPA), the New York State Supreme Court in both Wayne County and Ulster County sustained PERB's decisions and certifications in all respects. *Wafler Farms, Inc. v. Connick*, Wayne County Index No. CV092021(12/5/25); *Golden Harvest Farms v. Connick*, Ulster County Index No. E012025024788 (12/19/25).

## **Mediation in the Private Sector**

To make up for the drastic reduction of the availability of mediators from the U.S. Federal Mediation and Conciliation Service, PERB is now providing mediation in the private sector where possible. Top priority is given to the health care industry where strikes are imminent.

## **Needed Personnel Being Put in Place**

The Brooklyn Office has added Ethan Felder as an Administrative Law Judge. An additional candidate for Brooklyn Administrative Law Judge is also presently being processed through the hiring system and expected to start shortly.

To recap, as of May of 2024, our Brooklyn office was staffed with one Administrative Law Judge and one Mediator but, by March of this year, it will be

staffed with our Regional Director/Chief Mediator, four Administrative Law Judges, and two Mediators.

Regarding our Albany Office of Public Employment Practices and Representation, as of May of 2024, there was a Director, Assistant Director, and three Administrative Law Judges. As of January 2026, there is a new Director, new Assistant Director, and four Administrative Law Judges.

In our Office of Private Employment Practices and Representation, an Administrative Law Judge was added last year to assist its new Director.

PERB has now selected a candidate to be the new Executive Director to replace retiring Executive Director Sandra Koslow and that candidate is being processed through the hiring system and expected to start shortly.

### **Pending and planned rule revisions**

A review of comments to our proposed revised FLFLPA rules is underway and further action will be completed by late January.

PERB will be proposing a new rule regarding hearing transcripts with the notice of proposed rulemaking to be published January 21, 2026.

PERB is in the process of further reviewing and revising our Taylor Law and FLFLPA rules to streamline requirements and otherwise improve procedures. We expect to present the proposals to the Board for consideration at its February 5, 2026 meeting.

### **Hearing locations**

For the convenience of the parties and witnesses in Westchester County and Long Island, hearings can now be conducted, subject to the discretion of the hearing officer, in White Plains and Hicksville.

Upon the complete elimination of our backlog, hearing locations in Syracuse, Rochester, and Binghamton will be explored.

## **Training, programs and courses**

Revised PERB advocate training, taking into consideration feedback from the training provided in Albany in October of 2025, is expected to be offered in Buffalo in late March. Further details to be announced shortly.