

## Taylor Act, PERB Commemorate 15th Year; Collective Bargaining Legislated in 1967

Fifteen years ago this month public employees across New York State were granted a labor relations charter — in the form of a statute known by only a few as Article 14 of the Civil Service Law but more commonly called the Taylor Law. The law, which became effective on September 1, 1967, gave birth to collective bargaining in the public sector and to PERB, the Public Employment Relations Board.

The Taylor Law was among the earliest enactments by State governments, governing labor relations in the public sector. While New York was *among* the first to recognize the need to put in place a system to bring order in this burgeoning field, Wisconsin was *the* pioneer. (Today, about 40 states have bargaining laws).

The Taylor Law — named after the late Professor George W. Taylor who headed a commission appointed by Governor Nelson A. Rockefeller, which recommended the basics of the statute — replaced the Condon-Wadlin Law, generally acknowledged to be ineffectual since its sole provisions were directed toward punishing public employees who struck. No provision was made in that law to establish orderly processes for granting union recognition, resolving disputes arising out of negotiations, or litigating issues flowing from administration of union-management agreements — all of which were addressed subsequently by the Taylor Law.

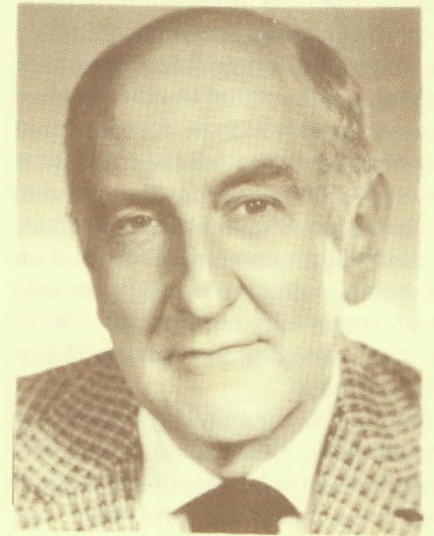
Controversy surrounded enactment of the statute in 1966

### Transit Strike Resulted in Law

following a devastating strike by transit workers in New York City because, while the law granted new rights to public employees at all levels of government, it also contained severe penalty provisions for unions which struck in the public service. (In the original law the penalties were focused primarily on the unions, but subsequently a financial penalty against individual employees was enacted and remains. It requires that employers withhold a day's pay for each day the employee is on strike; that, together with the loss of a day's pay for not working, has become known familiarly as the "2 for 1" strike penalty).

Controversy there was, and yet the Taylor Law actually got off to a relatively smooth start — given the fact that nearly a million employees were newly covered by the statute, and in the overwhelming majority of governments there was no prior experience with collective bargaining, and indeed threshold issues surrounding representation rights were new to all except a few international unions seeking a foothold in the Empire State's public sector.

Unlike most states where bargaining laws were enacted in the mid-1960's, New York experienced no rash of representation strikes —



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walkouts caused by disputes over which, if any, union should represent certain groups of employees.

In PERB's first year — September 1, 1967 - August 31, 1968 — nine strikes resulted from disputed contract negotiations. In that first year and for the next ten the Board was chaired by Robert D. Helsby; his Board colleagues were Joseph R. Crowley and George H. Fowler. The nucleus of staff consisted of John Hans, director of conciliation; Jerome Lefkowitz, deputy chairman; Paul E. Klein, director of representation; Francis J. Higgins, counsel; Thomas E. Joyner, director of research; Harold R. Newman, director of PERB's New York City Office; and, Ralph Vatalaro, director of information and education. Newman subsequently was named

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# PERB DECISIONS

## IMPROPER PRACTICES

### Board

*Plainview-Old Bethpage Central School District - Congress of Teachers.* The Board affirmed the hearing officer's dismissal of the charge that the district improperly insisted upon the negotiation of the suspension of unit employees without pay to the point of factfinding, finding that such demand is a mandatory subject of negotiation. (U-5697, 6/7/82)

*Laura Goodard - Gates-Chili Teachers Association.* The Board affirmed the hearing officer's determination that the association violated the Act by not providing Goodard with a detailed financial statement explaining the amount of the agency shop fee refund and ordered a refund with interest. (U-5647, 6/8/82)

*Western Regional Off-Track Betting Corporation and Service Employees International Union - Gail Honan.* The Board affirmed the hearing officer's dismissal of the charge that OTB wrongfully discharged Honan and that the union breached its duty of fair representation in violation of the Act when it failed to take her discharge to arbitration. (U-5055, 6/9/82)

*Public Employees Federation, AFL-CIO - Michael Hartner.* The Board affirmed the hearing officer's dismissal of the charge that PEF breached its duty of fair representation in violation of the Act by refusing to institute an Article 78 proceeding on Hartner's behalf to review a Civil Service Commission decision. (U-5327, 6/21/82)

*Public Employees Federation - Harry Farkas.* The Board affirmed the hearing officer's dismissal of the charge that PEF violated the Act by refusing to represent Farkas in connection with his protest of restrictions imposed upon the taking of Civil Service promotional and open competitive examinations. (U-5703, 6/21/82)

*Sylvan-Verona Beach Common School District - Sylvan-Verona Beach Teachers Association.* The Board affirmed the hearing officer's determination that the district violated its duty to negotiate in good faith by repudiating an agreement with the union despite the district's alleged misunderstanding of the meaning of the agreement. (U-5539, 6/21/82)

*Wyandanch Union Free School District - Wyandanch Secretaries Association.* The Board affirmed the hearing officer's determination that the district violated its duty to negotiate in good faith when it unilaterally eliminated four paid holidays while under an obligation to negotiate a successor agreement with the association. (U-5648, 6/22/82)

### Director

*City of Jamestown - Robert J. Grazulewicz.* The director dismissed a charge concerning the meaning of contract for lack of jurisdiction. (U-6055, 6/2/82)

*State of New York Public Employees Federation.* The director dismissed the charge alleging that the State violated the Act by refusing to process a contract grievance because its refusal raises an issue of contract interpretation, beyond the Board's jurisdiction and its conduct would not compromise the independence of the charging party as alleged. (U-6107, 6/8/82)

*Board of Education of the City of New York - Attendance Teacher Organizing Committee and Marvin Datz.* The director dismissed the charge that the district violated the Act after Datz refused to provide information in response to the notice of deficiency. (U-6037, 6/24/82)

### Hearing Officer

*Bridge and Tunnel Officers Benevolent Association - Triborough Bridge and Tunnel Authority.* John M. Crotty dismissed the charge that the authority improperly insisted upon demands that an employee document every illness

and an overtime provision since they are mandatorily negotiable subjects. The charge by the authority against the association concerning the other terms and conditions of employment was also dismissed. The association was ordered to withdraw demands concerning: operation of toll lanes, a particular type of job training, arrests made within the geographical area of employment, management-labor committees to discuss matters outside the scope of mandatory subjects, identification units, free transportation passage and benefits to temporary bridge and tunnel officers. (U-6024, U-6063, 6/23/82)

## REPRESENTATION

### Board

*Board of Education of the City of New York - Public Service Professional Association - Local 300, Service Employees International Union.* The Board denied a motion by Local 300 to reconsider its decision affirming the determination of the acting director that the PSPA was an employee organization under the Taylor Law and therefore eligible to participate in the election. (C-2368, 6/7/82)

*Lancaster Central School District - Lancaster Association of Substitute Teachers.* The Board affirmed the director's decision to certify without an election an appropriate unit of *per diem* substitute teachers. (C-2402, 6/7/82)

### Director

*Board of Education of the City of New York - United Federation of Teachers.* The acting director determined, following the association's submission of evidences of majority support, that the UFT is entitled to be certified as the exclusive negotiating representative of the stipulated unit. (C-2364, 6/18/82)

*Town of Walkkill - New York State Federation Police.* The director determined that following the association's submission of evidence of majority support that it is entitled to be certified as the exclusive negotiating representative of the stipulated unit consisting of all police officers, sergeants and lieutenants. (C-2414, 6/22/82)

## STRIKE

### Board

*In the Matter of Local 2055, Council 66, AFSCME.* The Board found that notwithstanding the hearing officer's interpretation of Section 210.3(c), strike charges should be brought with "reasonable expedition" and the charge herein, which was brought five months after the employer abandoned its charge, was untimely. (D-0201, 6/22/82)

### Hearing Officer

*Rochester Teachers Association Local 616 - Teachers Aides Association.* Robert J. Miller found that the associations engaged in an unprovoked strike against the district and their failure to terminate or to attempt to terminate the strike constituted tacit encouragement of the unlawful acts of the unit members. (D-0202, D-0203, 6/3/82)

## MANAGERIAL/CONFIDENTIAL

### Director

*City of Fulton.* The Director designated Graham, Commissioner of Public Works, with the incumbent's consent, as managerial pursuant to Section 201/7 of the Act. (E-0841, 6/1/82)

*County of Broome and Sheriff of Broome County.* The Director designated Fotorny, the Deputy Sheriff-major, as managerial pursuant to the Act with the consent of the Security and Law Enforcement Employees Council 82, the exclusive representative of the unit which included the position. (E-0844, 6/4/82)

## PERB Newsletter

NYS Public Employment Relations Board

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