



CONTRACT NEGOTIATIONS PROCESS

(Law Enforcement Employees)

1. **Introduction:** This is an explanation of the contract negotiations process as it applies to negotiations between the State and NYSCOPBA for the Law Enforcement members of the Security Services Unit.

2. **Background:** The so-called “Taylor Law”, formally titled the “Public Employees’ Fair Employment Act” and set forth at Article 14 of the New York State Civil Service Law, was adopted in 1967 in response to frequent and disruptive strikes by municipal employees. The Taylor Law created the Public Employment Relations Board (PERB) and allowed public employees to collectively bargain with their employers in return for giving up the right to strike. Since the inception of the Taylor Law, public strikes have decreased dramatically.

3. **The Contract Negotiations Process:**

3.1 Negotiations

- (a) The parties exchange bargaining proposals for a successor agreement. The proposals include both compensatory and non-compensatory issues.
- (b) Good faith negotiations must take place.

3.2 Impasse

- (a) After good faith negotiations have failed to produce an agreement, either party may declare impasse by filing a Declaration of Impasse with the Public Employment Relations Board (PERB), which administers the Taylor Law.
- (b) No specific time limits govern how long negotiations must proceed before a Declaration of Impasse may be filed; PERB's focus is on the inability of the parties to reach agreement despite their good faith efforts to do so.

3.3 Mediation

- (a) In response to a Declaration of Impasse, PERB appoints a mediator.

- (b) The mediator meets with the parties and attempts to assist them in reaching an agreement.
- (c) If the mediator is unable to bring about a settlement, either party may invoke the dispute resolution procedures.

3.4 Dispute Resolution

- (a) Fact-Finding (for Law Enforcement employees)
 - (1) PERB appoints a fact-finding board of up to three people to review the dispute and make recommendations for its resolution.
 - (2) If the dispute is not resolved at least 80 days before the end of the fiscal year or by another date set by PERB, the fact-finding board transmits its recommendation to the Governor and makes it public.
 - (3) If the dispute continues, PERB may take steps it deems necessary to resolve the matter, including making its own recommendations.
 - (4) If the matter is still unresolved, the dispute may be submitted to the Legislature, which must then conduct a public hearing, at which the parties must explain their positions with respect to the fact-finding recommendation.
 - (5) The Legislature is empowered to take whatever action it deems to be in the public interest; this may include the unilateral imposition of terms and conditions of employment.