

IN SENATE

April 1, 1967

Introduced by COMMITTEE ON RULES read twice and ordered printed and when printed to be committed to the Committee on Labor and Industry

AN ACT

To amend the civil service law and the judiciary law, in relation to granting to public employees the right of organization and representation for the purpose of collectively negotiating the conditions of employment, creating a public employment relations board to assist in resolving disputes between public employees and public employers, prohibiting strikes by public employees and providing remedies for the violation thereof, and repealing section one hundred eight of the civil service law, relating to strikes by public employees

See corrections on yellow sheet attached

Compared by _____

APPROVED
APR 21 1967

Approved _____

NEW YORK STATE LIBRARY

MICROFILMED

Date..... 1/19/77
No. of printed bills 1
No. of exposures 25
exclusive of bills

Department & Agencies

Legal Groups

_____ Lt. Governor
 _____ Attorney General
 _____ Budget
 _____ Comptroller
 _____ Mr. Marshall

_____ Judicial Conf
 _____ Law Revision Comm.
 _____ Assoc. of the Bar, NYC
 _____ N.Y. Co. Lawyers
 _____ N.Y. State Bar
 _____ Nassau County Bar
 _____ N.Y. Crim. Cts. Assoc.
 _____ D. A. Assoc.
 _____ Magistrates Assoc.
 _____ Co. Judges Assoc.
 _____ Surrogates Assoc.

_____ Ag. & Markets
 _____ Banking
 _____ Civil Service
 _____ Commerce
 _____ Conservation
 _____ Correction
 _____ Education
 _____ Health
 _____ Insurance
 _____ Labor
 _____ Mental Hygiene
 _____ Motor Vehicles
 _____ Public Service Comm.
 _____ Public Works
 _____ Social Welfare
 _____ State
 _____ Tax & Finance

Municipal Officials & Groups

_____ Mayor of _____

_____ Co. Bd. of Supervisors

_____ Town Supervisor of _____

_____ Co. Atty. of _____

_____ Conf. of Mayors
 _____ County Officers' Assoc.
 _____ Association of Towns

_____ Atomic Energy
 _____ Civil Defense
 _____ General Services
 _____ Housing
 _____ Investigation
 _____ Liquor Auth.
 _____ Local Gov't
 _____ Mil. & Naval Aff.
 _____ Parole
 _____ Regional Development
 _____ State Rent Comm.
 _____ St. Comm. For Human Rights
 _____ St. Police
 _____ State Univ.
 _____ Transportation
 _____ Veterans Aff.
 _____ Youth Div.

AFL-CIO
WFT
...

_____ Advisory Council on

_____ Joint Legis. Comm. on

_____ Temporary State Comm. on

CLASS OF SERVICE
This is a list of service
under its defined char-
acter is indicated by the
proper symbol.

WESTERN UNION

TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. McFALL
PRESIDENT

SYMBOLS	
DL	Day Letter
NL	Night Letter
LT	International Letter Telegram

The time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.

1238P EST APR 17 67 SYA259

ACKNOWLEDGED

SY NA444 DL PD 8 EXTRA NEW YORK NY '7 1141A EST

GOVERNOR NELSON ROCKEFELLER
EXECUTIVE MANSION ALBANY NY

84639

NEW YORK AMERICANS FOR DEMOCRATIC ACTION URGES YOU VETO LABOR
BILL. BILL DOES NOT REFLEX ADA'S VIEWS ON PROPER BILL WHICH
WOULD INCLUDE MEDIATION FACT FINDING ARBITRATION ADEQUATE GRIEVANCE
MACHINERY AND WOULD DEFINE ESSENTIAL SERVICES CRUCIAL TO PUBLIC
INTEREST INCLUDING BOTH PRIVATE AND PUBLIC EMPLOYEES

BERTRAM A WEINERT EXECUTIVE DIRECTOR 156 5TH AVE NEW YORK
CITY
(30).

7: 02

CLASS OF SERVICE
 This is a day message unless its general character is indicated by the proper symbol.

WESTERN UNION

TELEGRAM

W. P. MARSHALL
 Vice-President

R. W. McFALL
 President

SYMBOLS
 DL = Day Letter
 NL = Night Letter
 IT = International Letter Telegram

The time shown in this message is based on the LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.

1142A EST APR 15 67 SYA 123
 SY NBA 022 PD NEWBURGH NY 15 1102A EST
 GOVHNELSON ROCKEFELLER
 THE CAPITOL ALBANY NY
 PLEASE VETO SUBSTITUTE FOR CONDON-WADLIN IT IS CLEARLY RESENTED
 BY LARGE SEGMENT STATE EMPLOYEES AND NOT A SOLUTION THANK YOU
 JOHN G DOW US CONGRESSMAN
 (26).

84639

ACKNOWLEDGED

02

CLASS OF SERVICE
 This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION

TELEGRAM

V. P. MARSHALL
 CHAIRMAN OF THE BOARD

R. W. McFALL
 PRESIDENT

SYMBOLS	
DL	Day Letter
NL	Night Letter
LT	International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.

743P EST FEB 21 67 SYA578 BE595

ACKNOWLEDGED

B KMA 143 KMZZ KMZZ NL PD KMHNEW YORK NY 21

**HON. NELSON A. ROCKEFELLER, GOVERNOR OF NEW YORK
 EXECUTIVE CHAMBERS ALBANY NY**

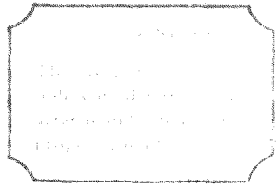
A PRACTICAL SOLUTION FOR THE LABOR RELATIONS PROBLEMS OF THE PUBLIC EMPLOYEES OF NEW YORK IS OFFERED IN THE PROPOSED LEGISLATION S. I. 2763, INTRODUCED BY SENATOR WILLIAM BRENNAN AND A. I. 4673, BY WSSSEMBLYMAN STANLEY J PRYOR.

THE HARSH PENALTIES IMPOSED BY THE PRESENT CONDON-WADLIN LAW AND THE EVEN HARSHER PUNISHMENTS PROPOSED IN OTHER SUBSTPTUTE LEGISLATION HAVE NOT SOLVED THE PROBLEMS OF THE PAST AND WILL CERTAINLY NOT AID IN THE RESOLVING OF CONFLICTS WHICH ARISE IN THE FUTURE.

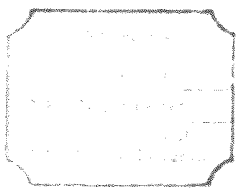
THE BRENNAN-PRYOR PROPOSAL, WHICH WAS OFFERED AT THE REQUEST OF THE NEW YORK STATE AFL-CIO, SETS UP SAME, SENSIBLE

71201(R2-65)

27 63



WESTERN UNION



TELEGRAM

PROCEDURES TO BE FOLLOWED IN

HELPING

THE DISPUTING POWERS ARRIVE AT DECENT, HONORABLE AGREEMENTS.

VALUE OF THIS LEGISLATION IS COMPOUNDED BY THE PROVISION INCLUDED WHICH PLACES IT ON A TRIAL BASIS FOR TWO YEARS.

THE OFFICERS AND MEMBERS OF THE TRANSPORT WORKERS UNION OF AMERICA, URGE YOU TO USE ALL THE POWER OF YOUR POSITION TO AID IN THE PASSAGE AND IMPLEMENTING OF THIS LEGISLATION.

EVERYONE IN THE STATE INTERESTED IN A FAIR AND EQUITABLE SOLUTION TO THE LABOR RELATIONS PROBLEMS OF PUBLIC EMPLOYEES WILL SALUTE YOU

MATTHEW GUINAN INTERNATIONAL PRESIDENT, DOUGLAS L MACMAHON

57-04

WESTERN UNION

TELEGRAM

W. U. MAYFIELD MALL
 U. S. DEPARTMENT OF BOARD

W. W. McFALL
 PRESIDENT

SYMBOLS	
DL	Day Letter
NL	Night Letter
IT	International Letter Telegram

Special Service
 provided at extra charge
 unless otherwise stated
 on receipt of the
 proper order.

The time shown in the Western Union telegram is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination.

**INT'L SECRETARY TREASURER , JAMES F HORST INT'L EXECUTIVE VICE
 PRESIDENT TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO**

5

FAST SERVICE

This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION TELEGRAM

W. P. MARSHALL
CHAIRMAN OF THE BOARD

R. W. MCFALL
PRESIDENT

SYMBOLS

DL = Day Letter

NL = Night Letter

LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

607P EST APR 3 67 SYA514 BB755
B KMA184 PD KM NEW YORK NY 3 454P EST
GOV. NELSON A ROCKEFELLER

84639

ACKNOWLEDGED

THE CAPITOL ALBANY NY

ON BEHALF OF THE MORE THAN 50,000 MEMBERS OF THE TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO, AND THEIR FAMILIES IN NEW YORK STATE, WE URGE YOUR UNHESITATING VETO OF THE CONDONWADLIN LAW REVISION ADOPTED BY THE LEGISLATURE. SHARPENING THE TEETH OF ALREADY VICIOUS ANTI-LABOR LEGISLATION IS NOT THE ANSWER TO GENUINE COLLECTIVE BARGAINING AND DECENT CONTRACTS FOR PUBLIC EMPLOYEES. FORTUNATELY YOU ARE IN A POSITION TO RECTIFY WHAT THE LEGISLATURE DID IN THE DARK OF NIGHT. YOUR VETO WILL PREVENT SERIOUS HARM TO GENUINE COLLECTIVE BARGAINING AND PROTECT THE STATE'S LABOR RECORD. CERTAINLY SUCH A MISCARRIAGE OF JUSTICE AS THIS MERITS AT LEAST THE OPPORTUNITY FOR RECONSIDERATION

MATTHEW GUINAN INTERNATIONAL PRESIDENT , DOUGLAS L MACMAHON

APR 3 1967

CLASS OF SERVICE
 This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION

TELEGRAM

W. P. MARSHALL
 CHAIRMAN OF THE BOARD

R. W. MCFALL
 PRESIDENT

SYMBOLS
 DL = Day Letter
 NL = Night Letter
 LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

INTERNATIONAL SECRETARY TREASURER, JAMES F HORST INT'L EXECUTIVE
 VICE PRESIDENT, DANIEL GILMARTIN PRESIDENT, LOCAL 100 ELLIS
 VAN RIPER SECRETARY TREASURER, LOCAL 100
 (54).

57

O'Donnell & Schwartz
Attorneys and Counsellors at Law

542

504 Fifth Avenue, New York, N. Y. 10017

April 11, 1967

Hon. Nelson A. Rockefeller, Governor
 State of New York,
 Executive Chambers,
 State Capitol,
 Albany, N. Y. 12224
 Att: Robert R. Douglas, Esq.

Re: Senate 4639

Sir:

The Transport Workers Union of America, AFL-CIO, and its New York affiliate, Local 100 of the Transport Workers Union of America, strongly urge you to veto the bill which purportedly repeals the Condon-Wadlin Law (Section 108 of the Civil Service Law) and which purportedly grants public employees the right to organize, creates certain procedures to assist in resolving disputes between public employees and public employers, and prohibits strikes by public employees (Senate 4639).

Had this bill truly repealed the Condon-Wadlin Law and provided for the recognition of the right of public employees to organize and bargain collectively, and set up machinery to implement the collective bargaining process, TWU would urge its approval.

The fact is, of course, that the bill now before you perpetuates the evil inherent in the Condon-Wadlin Law, a distrust of and antipathy toward free collective bargaining. For employees to have free collective bargaining in determining the price of their labors, they must necessarily have the right to withdraw their labors if the price offered is unsatisfactory. As George Meany, President of the American Federation of Labor-Congress of Industrial Organizations, has stated:

"Fundamental to the ability to bargain effectively is, of course, the right of workers to withhold their labor in concert with their fellow workers. If they do not have that right, in practice as well as in theory, then collective bargaining is, at best, only a debate."

18

April 11, 1967

There is a contradiction in terms in any law which purportedly gives workers the right to organize and bargain collectively and, at the same time, denies them the right to strike.

Surely, the Condon-Wadlin Law should have proven beyond question that American workers will not submit to unjustified restrictions on their basic freedoms. Such restrictions almost inevitably have the opposite effect from that intended. The Condon-Wadlin Law actually provoked strikes. It gave an unmerited protection to public employers from the consequences of their own failures, injustices and prejudices.

In 1965, the New York City Transit Authority refused to engage in bona fide collective bargaining with the representatives of its employees. It took futile refuge behind a statutory prohibition against strikes. Were it not for the phantom protections of Condon-Wadlin, the Transit Authority would have been impelled to bargain in good faith and, had it done so, there would have been no strike.

The bill now before you contains the very same no-strike provision; it gives the same comfort to public employers who fail in their basic responsibilities.

TWU sincerely believes that the true effectuation of free collective bargaining is the best security against strikes in public employment as well as in private employment. It is difficult to understand why an otherwise enlightened administration in this Empire state should not give free collective bargaining for public employees the opportunity to prove itself.

The bill now before you is just as unrealistic, just as provocative, and just as self-defeating, as the one it replaces.

This Union is aware that your veto of the bill will leave the Condon-Wadlin Law on the books for what it is worth. But TWU respectfully submits that your approval of this bill will constitute a step backward rather than a step forward. It will create greater confusion and arouse more intense hostility on the part of those whom it will affect. The Transport Workers Union sincerely urges its veto.

Respectfully yours,

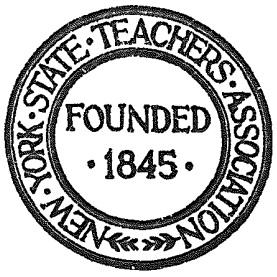


O'DONNELL & SCHWARTZ

Counsel to the Transport Workers Union
of America, AFL-CIO, and its Local 100.

JFO:CGM

15 416-1



New York State Teachers Association

152 Washington Avenue
Albany, New York 12210

G. HOWARD GOOLD
Executive Secretary

NATHAN E. KULLMAN, JR.
Assistant Executive Secretary

April 21, 1967

DUDLEY C. SNYDER
Administrative Assistant

Memorandum to the Governor regarding Senate bill 4639 by the Committee on Rules entitled "An act to amend the civil service law and the judiciary law, in relation to granting to public employees the right of organization and representation for the purpose of collectively negotiating the conditions of employment, creating a public employment relations board to assist in resolving disputes between public employees and public employers, prohibiting strikes by public employees and providing remedies for the violation thereof, and repealing section one hundred eight of the civil service law relating to strikes by public employees"

This bill, which would take effect September 1, 1967, with the exception of the section to create the public employment relations board, applies to the relations between teachers and school boards as well as to the relations between other public employees and public employers in New York State.

For more than five years, the New York State Teachers Association has sought the enactment of legislation which would guarantee teachers the right to meet and negotiate with school boards. The November, 1966 annual session of the House of Delegates passed a resolution which said:

"Resolved, That the New York State Teachers Association, in accordance with the concepts of professional negotiations as developed by the National Education Association, continue in its efforts to achieve full recognition of teaching as a profession, and to retain within the education law all provisions relating to the professional rights of teachers and teacher-school board relations consistent with the Association's position as stated in

the principles governing such relations adopted by the 1961 House of Delegates and the policy statement as approved by the Board of Directors in January 1964; and be it further

Resolved, That the New York State Teachers Association seek legislation to insure that professional negotiations procedures exist in a written agreement between the board of education and the representative of a majority of the teachers and that a mediation service apart from any existing state agency be established to mediate any impasse that might arise."

This bill fulfills the basic objectives of this 1966 Association policy resolution.

The legislation is flexible to meet the varying needs of different types of school governments. We believe that the procedures established by the bill are fair to all segments of the public school community and that they will be of substantial benefit to the schools in New York State.

The New York State Teachers Association strongly recommends approval of this bill.

Respectfully submitted,



G. Howard Goold
Executive Secretary

GHG:pjd





LEGISLATIVE MEMORANDUM

In OPPOSITION to S.4639

8-4639

This bill purports to establish reasonable procedures of personnel relations between public employees and their employers. Unfortunately, its provisions cannot make for harmonious relations nor lessen the incidence of strikes.

The severe penalties that can be imposed on unions of civil service employees will make public employers less flexible in collective bargaining. With the employers' false confidence that employees may not strike, with the belief that the employees have no effective weapons on their side, the possibility of agreements through collective procedures will diminish.

This bill grants excessive power to the courts in assessing penalties. Employers and employee groups can usually arrive at agreement since both sides have compelling interest to do so. However, the courts have no similar responsibilities to the situation. The verdict of the court can often, as has occurred in the past, only prolong a strike and make a settlement more difficult.

There are many other defects in this bill, such as, lack of clear definition of bargaining unit, uncertainty as to whether the collective bargaining agent shall be the exclusive representative of all employees in the unit, etc. However, the major defect is that it reinforces the status of public employees as second class citizens.

We urge your veto of this bill.

ALICE F. MARSH
Legislative Representative

REUBEN W. MITCHELL
Associate Legislative
Representative

Opeiu:153
AFM:RWM/jwk
4/14/67

8-12
10-10

S 4639

NEW YORK STATE
SCHOOL BOARDS ASSOCIATION, INC.

111 Washington Avenue - Albany, New York 12224

April 18, 1967

BOARD OF DIRECTORS

1967

OFFICERS

President

WALTER L. HUNT
Otsego County BCES

Vice Presidents

ROBERT A. DUDLEY
Fairport

JOHN E. GINTER
Fulton County BCES

E. MILTON JOHNSON
Jamestown

MRS. IRVING KRAMER
White Plains

Retiring President
FLOYD B. RUSSELL
Ticonderoga

Treasurer
W. PARKER DODGE
Rensselaer County BCES

Executive Director
EVERETT R. DYER
Albany

Counsel
BERNARD T. McGIVERN
Scotia

DIRECTORS

Area 1
JOHN A. MATTISON
Clarence

Area 2
MRS. LEWIS S. BELL
Interiaken

Area 3
HAROLD E. NEWCOMB
Owego-Apalachin

Area 4
ARTHUR J. WALLINGFORD
Albany

Area 5
BEN MILLER
Ellenville

Area 6
A. TERRY WEATHERS
Farmingdale

Area 7
JAMES A. MARTIN
North Syracuse

Area 8
WILLIAM G. WALKER
Ogdensburg

The Honorable Robert R. Douglass
Executive Chamber
The Capitol
Albany, New York 12224

Dear Mr. Douglass:

There is before you S 4639 by the Committee on Rules, which would amend the civil service law and the judiciary law in relation to granting to public employees the right of organization and representation for the purpose of collectively negotiating the conditions of employment, creating a Public Employment Relations Board to assist in resolving disputes between public employees and public employers, repealing the Condon-Wadlin law and substituting another section in lieu thereof.

This Association, representing such a large segment of public employers of employees in both the professional and nonprofessional categories throughout the State, has been vitally concerned with the increasing efforts of public employees to gain this recognition. This Association has recognized from the beginning that public employment differs from private employment. Consequently it has resisted all efforts to transfer by statute practices to the public sector of the economy from the private sector, including the right to strike. In view of the fact that the statutes have delegated to school boards certain duties and responsibilities for the establishment of educational policies and duties, responsibilities which the school board cannot further delegate, this Association has also resisted efforts to give teachers the right to determine public policy. It would be incongruous for public employees of any category to have the right to determine public policy when those employees are not responsible to the electorate for their decisions or the effects of their decisions.

This bill recognizes the differences of conditions between public and private employment. It establishes what appears to be a workable framework for consultation between public employers and their employees. It establishes a procedure that, it is hoped, will create an aura of harmony in lieu of one of friction when the parties do not see eye to eye. It recognizes the unworkability of the Condon-Wadlin law and, at the same time, the rightness of the objective of that law in prohibiting strikes by public employees. It therefore incorporates a section that may well prove to be workable to prohibit such strikes.

The Honorable Robert R. Douglass

- 2 -

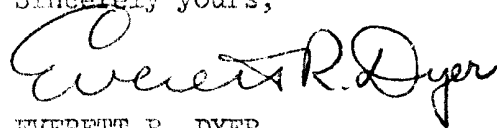
April 18, 1967

Over all, it places all public employees in one category instead of trying to make an untenable distinction between them.

It is the hope of this Association that this bill will prove workable, that the Public Employment Relations Board will recognize the responsibilities of public employers as well as the rights and responsibilities of public employees. The conditions and procedures of this bill are worthy of trial.

This Association therefore interposes no opposition to this bill.

Sincerely yours,



EVERETT R. DYER
Executive Director

ERD/D/dt



CHENANGO FORKS CENTRAL SCHOOLS
CHENANGO FORKS, NEW YORK 13746

Telephones: 643-5211
648-6050

NORMAN J. SWEENEY
Supervising Principal

April 11, 1967

4639

The Honorable Nelson Rockefeller
Governor of New York State
Executive Chamber
Albany, New York

Dear Governor Rockefeller:

The Board of Education of Chenango Forks Central School wishes to bring to your attention our opposition to Senate Bill #4639 which deals with Public Employees' Fair Employment Act.

The Board of Education has taken this position initially when the bill was first discussed in the legislature but now wishes to bring to your attention their opposition to it in hopes that you will not sign the bill into a law. The Board of Education feels that this bill, if it is made a law, will present serious problems in the administration of education on the local level and thus is firmly opposed to it.

Your consideration on this matter will be appreciated.

Sincerely,

Norman J. Sweeney
Supervising Principal

NJS:mch

15

NEW YORK STATE CONFERENCE OF MAYORS
AND OTHER MUNICIPAL OFFICIALS

SIX ELK STREET, ALBANY, NEW YORK 12207
TELEPHONE (518) 463-4249

Raymond J. Cothran
Executive Director

Mayor James P. Rice
President Suffern

Mayor Erastus Corning, 2nd
Treasurer Albany

J. Omer Laplante
Assistant Director

Research Assistants
Alice L. Fisher
Frank J. Scollan, Jr.

Mayor John H. Connors
1st Vice-Pres. Mechanicville

Mayor Stanley W. Krause
2nd Vice-Pres. Mineola

Donald A. Walsh
Counsel

Donald F. Larson
Attorney

April 21, 1967

Hon. Robert R. Douglass
Executive Chamber
State Capitol
Albany, New York

Re: S 4639. by The Committee on Rules

Dear Mr. Douglass:

The Conference of Mayors opposes this bill and recommends that the bill be vetoed.

We recognize that the bill was passed after many discussions with the Governor and the Legislative leaders. We have reason to believe that the Governor will approve the bill.

However, we note that the bill was introduced on April 1, 1967, only hours before the end of the session.

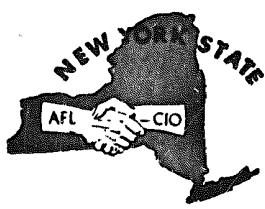
The bill is a major piece of legislation, affecting every city, village and town in the State of New York. Yet, local officials had no opportunity to participate in the preparation of the bill.

Our Legislative Committee members were unable to obtain copies of the bill at the Legislative Document Rooms because copies were not available as late as April 13, 1967.

This writer was directed by a much incensed Legislative Committee to clearly indicate to the Governor that our members were greatly disappointed in the manner in which the negotiations were conducted concerning the bill.

However, we must note, in fairness to the Governor, that without his leadership and insistence, the penalty provisions would not have been included in the bill, all to the detriment of local government.

However, we also wish to point out that the 1966 laws were constructive. We would even speculate that the Governor might have favored such



NEW YORK STATE AFL-CIO

DE WITT CLINTON HOTEL • ALBANY, N. Y. 12201 • PHONE 436-8516

RAYMOND R. CORBETT
President



LOUIS HOLLANDER
Secretary-Treasurer

54639

MEMORANDUM

WE OPPOSE THIS BILL

S. 4639 RULES
S. 4640

PUBLIC EMPLOYEE LABOR RELATIONS LAW -- WITH PENALTIES --
WILL NOT HALT STRIKES -- ONLY REAL BARGAINING WILL DO SO

Any public employee labor relations bill that is tied to penalties instead of being based solely on collective bargaining rights, is doomed to prove just as unworkable as a strike-preventive measure as Condon-Wadlin has in the 20 years it has been in force.

Such a bill if enacted into law in this state, will make New York the pioneer among the 50 states in punitive measures aimed at controlling public employees. It ill becomes the great Empire State of New York to be the introducer of this form of repression of basic rights of workers.

We urge instead abandonment of the punitive fine aspects and acceptance of the principle that true collective bargaining is the equitable and enlightened solution of this problem.

Insisting upon penalties on public employee unions for doing what every other union is guaranteed by law the right to do, will mean only that in each succeeding session of the Legislature, there will be amnesty bill after amnesty bill, because, if workers consider the provocation grave enough and their need serious enough, no law ever enacted can force them to stay on the job against their will.

The effect of punishment-oriented legislation would be that no strike of public employees could ever be settled unless one of the provisions of the settlement was that the punishments and fines meted out would be waived. Therefore any bill with a penalty for striking would prove as fully unworkable as Condon-Wadlin.

It is clear that unless a public employee labor relations law is based on assuring these workers full collective bargaining rights, all that will be accomplished will be exchanging one statute that has never worked for another that is certain to be just as unworkable.

With specific reference to just a few of the provisions of this bill:

1. It deviates from the recommendations of the Taylor Report in regard to representation. The Report, and even last year's bill, spelled out the criteria and standards for determining representation status, but under this bill each government unit could set up its own procedures for resolving disputes as to representation "after consultation" with the interested parties (Sec. 206), thus opening the door wide to company unionism.

7. 15

April 21, 1967

proposals had adequate opportunity been given city and village officials to present those proposals to him and to the Legislative leaders.

This organization firmly believes that this bill can be improved.

We must go on record to:

1. oppose the measure
2. recommend its veto
3. offer to help to develop a better bill
4. petition the Governor to create a special committee of local officials knowledgeable in the field of employee relations to develop a better bill.

We must recommend that the bill be vetoed.

Sincerely yours,



RAYMOND J. COTHRAN
Executive Director

RJC/daw/pas



2. It fails to provide safeguards against public employer coercion, intimidation or reprisal against employees in their efforts to organize (Sec. 202) although such safeguards are essential and common in labor relations statutes. This could open the door to wide-spread harassment of public employees for their union activities.

3. It leaves unchanged the present Condon-Wadlin Law on the basic right of a worker to withhold his services as a last resort.

4. In repression of this right, it permits penalties to be imposed upon a union which, in effect, mean its financial ruin.

5. To add insult to injury are the situations under which fines may be imposed. Section 211 of the bill requires an application for an injunction "where it appears that public employees or an employee organization threaten or are about to do, or are doing an act in violation of ... "the bill's prohibitions. The penalties above apply if the injunction is violated - that is, if the union continues to appear to threaten or is about to strike, it could be fined. This adds a completely new concept, not found in the penal code, by which an appearance of a threat was punishable.

6. Sec. 210, Subdivision 3-a imposes an obligation on a union not only not to strike, but to try to prevent a strike. Under this provision again a new penal concept is introduced, by which an act of omission - failure to try to prevent a strike - would result in a penalty.

7. In addition, Section 210, Subdivision 1 prohibits an employee organization from causing, instigating, encouraging or condoning a strike. Thus, under this bill, if a union appeared to threaten to condone a strike by another organization, an injunction could be secured, and if it continued to "appear to threaten etc." the fines could be imposed and the union's treasury would be emptied in short order. Even an expression of sympathy for a striking union or the collection of funds to aid the families of the workers on strike would be prohibited by this provision.

8. Under the bill, the state board may step into a dispute and appoint mediators and/or fact-finders. If either party does not accept the fact-finders' recommendations, the dispute is to be submitted to the legislative body. However the bill does not provide for any action by the legislative body. This provision causes particular difficulty in regard to school district employees, since the school board would be both the public employer and the legislative body.

While the bill's statement of policy recognizes the need to repeal Condon-Wadlin as unworkable and to assure labor relations rights to government workers, we are deeply disappointed that this alleged purpose has not been carried out.

Contrary to the stated objectives, the bill directs labor-management relations within government along the pathway toward unrest and strife -- the very opposite of what we want in labor-management relations in general and especially in public employment.

We are all concerned with strikes by public employees. There is a way to prevent them. The administration has chosen instead to return to the dark ages of labor relations and concentrate on union-busting. There is no more certain way of encouraging labor disputes. We most strongly urge rejection of this punitive approach and enactment instead of a public employee labor relations program based on real collective bargaining.

##

opeiu-58



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

APR 21 1967

MEMORANDUM filed with Senate Bill Number 4639, entitled:

#13
Ses. 392

"AN ACT to amend the civil service law and the judiciary law, in relation to granting to public employees the right of organization and representation for the purpose of collectively negotiating the conditions of employment, creating a public employment relations board to assist in resolving disputes between public employees and public employers, prohibiting strikes by public employees and providing remedies for the violation thereof, and repealing section one hundred eight of the civil service law, relating to strikes by public employees"

A P P R O V E D

This legislation ushers in a new age of public employee relations in New York State. The Public Employees' Fair Employment Act of 1967 proclaims the rights of government employees, yet recognizes the special obligations borne by those who provide the vital services of government.

This law was enacted upon my urgent request and adopts the recommendations of the Governor's Committee on Public Employee Relations, a panel of the Nation's foremost authorities on labor relations, headed by Professor George W. Taylor of the University of Pennsylvania.

The necessity of this law has been unquestionably demonstrated over the years by the utter inadequacy of the Condon-Wadlin Law to resolve paralyzing strikes and threats of strikes by public employees.

This legislation implements the Taylor Committee's recommendations for establishing fair conditions for organization and collective negotiating by public employees within a framework that protects the public against the interruption or impairment of essential government services.

In summary, the Public Employees' Fair Employment Act:

- repeals the Condon-Wadlin Law;
- provides for the first time a charter of basic rights for public employees that have been previously unrecognized in the law;
- prohibits strikes by public employees;

-- provides for workable, realistic collective negotiation procedures through which public employees can advance their objectives in the terms and conditions of their employment;

-- departs from the inflexible, automatic -- and largely impractical -- strike penalties of the Condon-Wadlin Law aimed primarily against the individual public employee, such as automatic dismissal from his job and severe penalties upon his reinstatement;

-- shifts the responsibility for the consequences of violating the law to employee organizations rather than to the individual employee;

-- permits the assessment of reasonable penalties, after court hearings to determine culpability, against employee organizations whose actions disrupt or impair essential government services;

-- permits great flexibility to the various sectors of public employment in devising local solutions to matters of employee representation and collective negotiations;

-- establishes a State Public Employment Relations Board to insure the fairness and equitability of these matters.

When this legislation goes into effect on September 1 its primary impact will be to impose upon the public employer, the public employee and the employee organization a joint responsibility for solving employment relations without injury to the public interest.

To the Governor's Committee on Public Employee Relations -- Professor Taylor, David L. Cole, E. Wight Bakke, John T. Dunlop and Frederick H. Harbison -- I extend my appreciation and admiration for the immensely valuable report and recommendations which formed the basis of this legislation. I also offer my deep gratitude to the leaders of the Legislature whose agreement in pursuit of the public good made enactment of this legislation possible.

The bill is approved.

(Signed) Nelson A. Rockefeller