

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2012**

No. 39

Introduced by Council Members Sanders, James, Williams, Lappin, Seabrook, Gennaro, Barron,
Jackson, Eugene, Lander, Levin, Mealy and Ulrich

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the waiver of public employee organizations' rights when submitting grievances to arbitration under the New York city collective bargaining law.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds that recent litigation has resulted in a judicial decision which holds that, when a public employee organization files a waiver to submit a grievance to arbitration pursuant to a collective bargaining agreement which the organization has with a public employer, the public employee organization waives its right to bring other administrative or judicial actions to address alleged violations of other statutes or rights not contained in the collective bargaining agreement. The Council finds that such a result is contrary to the New York City Office of Collective Bargaining's longstanding interpretation of the local law. The Council further finds that such a result unfairly prejudices the City's public employee organizations and the members they represent and that no similar waiver requirement exists in the New York State Taylor Law. Legislation is therefore necessary to rectify this disparity, in order to clarify that a public employee organization waives only its right to submit an alleged contractual dispute under the collective bargaining agreement and no other right when it submits a grievance to arbitration at the New York City Office of Collective Bargaining.

§ 2. Subdivision d of section 12-312 of the administrative code of the city of New York is amended to read as follows:

d. As a condition to the right of a municipal employee organization to invoke impartial arbitration under such provisions, the grievant or grievants and such organization shall be required to file with the director a written waiver of the right, if any, of said grievant or grievants and said organization to submit the [underlying dispute] *contractual dispute being alleged under a collective bargaining agreement* to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award. *This subdivision shall not be construed to limit the rights of any public employee or public employee organization to submit any statutory or other claims to the appropriate administrative or judicial tribunal.*

§ 3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on.....April 30, 2012..... disapproved by the Mayor on ...May 30, 2012.....and repassed by the Council onJune 28, 2012.....and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed local law (Local Law No. 39 of 2012, Council Int. No. 658-A) contains the correct text and that all proper proceedings have been had or taken for the enactment of such local law.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.