

1 **2006 Fall Seminar**
2 **Standing Committee on Public Employee Relations**
3 **Resolution #01**

4
5 **RESOLUTION IN SUPPORT OF BINDING ARBITRATION REFORM AND**
6 **OPPOSITION TO THE EXTENSION OF EXISTING AUTHORITY UNTIL**
7 **SUCH REFORM IS ENACTED**
8

9 **WHEREAS**, Subdivision 2 of section 209 of civil service law, as amended,
10 mandates the utilization of binding arbitration during periods of collective bargaining
11 impasse for specified bargaining units; and

12
13 **WHEREAS**, the 15th two-year binding arbitration mandate extension was signed
14 into law as Chapter 30 of the laws of 2005 with an expiration date of June 1, 2007; and

15
16 **WHEREAS**, chapter 696 of the laws of 2003 was signed into law expanding the
17 binding arbitration mandate to include certain county deputy sheriffs; and

18
19 **WHEREAS**, the enactment of this chapter caused collective bargaining units to
20 break off on-going contract negotiations until the full ramifications of this newly enacted
21 chapter could be ascertained, resulting in greater contract impasse and increased binding
22 arbitration cases; and

23
24 **WHEREAS**, numerous bills expanding the arbitration mandate to include new
25 bargaining units, encompassing new provisions and including non-compensation issues
26 under the provisions of binding arbitration were introduced during the 2006 legislative
27 session; and

28
29 **WHEREAS**, binding arbitration places final decision making authority in the
30 hands of individuals not answerable to the voting public, unduly interferes with the
31 collective bargaining process and in effect disenfranchises the taxpayers from decisions
32 affecting the cost of local government; and

33
34 **WHEREAS**, the Governor has consistently called for reforms to the binding
35 arbitration process, including enactment of ability to pay provisions which have not been
36 acted upon:

37
38 **NOW, THEREFORE, BE IT RESOLVED**, that the New York State
39 Association of Counties (NYSAC) supports the enactment of legislation to reform the
40 binding arbitration process which includes provisions that an arbitrator first consider a
41 municipality's ability to pay an award without raising taxes before issuing an award
42 decision; and

43
44 **BE IT FURTHER RESOLVED**, that NYSAC opposes the extension of existing
45 authority for binding arbitration beyond the June 1, 2007 expiration date until such time
46 as meaningful binding arbitration reforms are enacted to maintain the balance between

1 public employers and public employee representatives while protecting the interests of
2 the taxpayer; and

3
4 **BE IT FURTHER RESOLVED**, that NYSAC calls upon the legislature and the
5 Governor to refrain from the enactment of any new expansion of the binding arbitration
6 mandate until such time as meaningful reform is enacted; and

7
8 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this
9 Resolution to the Governor, the New York State Legislature and all others deemed
10 necessary and proper.