

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S5785

**SPONSOR:** RAMOS

**TITLE OF BILL:**

An act to amend the civil service law, in relation to unlawful strikes by public employees

**PURPOSE:**

To amend the Taylor law in regards to unlawful strike

**SUMMARY OF PROVISIONS:**

Section 1. Amends the statement of policy, section 200 of civil service law

Section 2. Amends section 201 of civil service law to include the term) unlawful strike

Section 3. Amends section 207 of civil service law to include the term unlawful strike

Section 4. Amends section 209 of civil service law to outline the updated duties of the MTA in the resolution of disputes

Section 5. Amends section 210 of civil service law to include the term unlawful strike Section

6. Amends section 210 of civil service law to include the term unlawful strike

Section 7. Amends section 210 of civil service law to include the term unlawful strike

Section 8. Amends section 210 of civil service law to include the term unlawful strike

Section 9. Amends section 211 of civil service law to update the application for injunctive relief pursuant to the rest of the article.

Section 10. This act shall take effect immediately.

**JUSTIFICATION:**

The right of workers to withhold their labor (to strike) in furtherance of equality of opportunity for working people and their ability to obtain better wages, benefits, and working conditions is a fundamental principle of workers' rights. This has been affirmed by many bodies, including the International Labor Organization, which found in 2006 that the New York State Taylor law violates fundamental rights.

How to reconcile that finding against the justified concern that public employees maintain critical services that must continue without interruption? The proposed bill does just that. It would place transit workers represented by TWU Local 100 and other similar transportation unions in New York State under the same framework as the Railway Labor Act model, which already governs the Long Island Railroad, for example.

It establishes a structured negotiating process and timetable for the MTA/NYCT and its respective employee organizations to bargain, allow for mediation, the impaneling of an emergency board, and finally grants the fundamental right to strike upon the exhaustion of this lengthy process.

Allowing for the right to strike without the draconian penalties now in place under the New York State Taylor law benefits New Yorkers in several ways.

First, there is an association between the right to strike and the

reduction of inequality in society. The Gini Index, a widely respected measure of relative inequality in countries, shows that countries in which the right to strike can be exercised by public employees have less disparities between the incomes of the rich and the poor. The right to strike helps incomes be more fairly distributed in society, and this is a social good.

Second, the New York State Taylor Law was put in place before the recent Janus v. AFSCME decision which struck a serious blow to the interests of public sector workers. Janus tilted the playing field toward the employer by limiting the power of unions to represent all workers in a particular bargaining unit or shop. Amending the Taylor Law helps place unions on a more equal footing.

Third, mirroring the Railway Labor Act's provisions, which allow the right to strike after an extended negotiation process, has produced a record of ensuring labor peace in the rail industry over the last century, without an extended rail strike during that period. By contrast the Taylor Law in New York State, in full effect, did not prevent two NYC Transit strikes undertaken by TWU Local 100 in 1980 and 2005.

Fourth, the current situation in New York State affords some transportation workers the right to strike (LIRR), while restricting others. This is deeply divisive and creates obstacles to labor peace within New York State.

**FISCAL IMPACT:**

TBD

**EFFECTIVE DATE:**

This act shall take effect immediately.