

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of Montgomery
~~Town~~
~~Village~~
Local Law ~~1966~~ ~~Intro No. 1~~ ~~Intro No. 3~~ of the year 1967

A local law establishing the creation of the Montgomery County Public Employment Relations Board
(Insert title)

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
~~City~~ of Montgomery
~~Town~~
~~Village~~ as follows:

SECTION 1. Montgomery County Public Employment Relations Board.

1. A board, to be known as the Montgomery County Public Employment Relations Board, is hereby created, pursuant to article 14 of the Civil Service Law of the State of New York, which shall consist of three members appointed by the Board of Supervisors. Not more than two members of the board shall be members of the same political party. Each member shall be appointed for a term of six years, except that of the members first appointed, one shall be appointed for a term to expire on May thirty-first, nineteen hundred sixty-nine, one for a term to expire on May thirty-first, nineteen hundred seventy-one, and one for a term to expire on May thirty-first, nineteen hundred seventy-three. The Board of Supervisors shall designate one member as chairman of the board. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he is to succeed.

2. Members of the County Board shall hold no other public office or public employment in the State.

3. The board may appoint an executive director and such other persons, including but not limited to mediators, members of fact-finding boards and representatives of employee organizations and public employers to serve as technical advisers to such fact-finding boards, as it may from time to time deem necessary for the performance of its functions, prescribe their duties, fix their compensation and provide for reimbursement of their expenses within the amounts made available therefor by appropriation.

4. In addition to the other powers and functions provided herein, the board shall have the following powers and functions:

(a) To establish procedures consistent with the provisions of section two hundred seven of the Civil Service Law and after consultation with interested parties, to resolve disputes concerning the representation status of employee organizations.

(b) To resolve, pursuant to such procedures, disputes concerning the representation status of employee organizations of employees of the County of Montgomery (or any political subdivision within the County) upon request of any employee organization.

(c) To resolve disputes concerning the representation status of other employee organizations, upon request of any employee organization or other government or public employer involved.

(d) To make studies and analyses of, and act as a clearing house of information relating to, conditions of employment of public employees throughout the County.

(e) To request from the County government, or agencies and departments thereof, such assistance, services and data as will enable the board properly to carry out its functions and powers.

(f) To make available to employee organizations, mediators, fact-finding boards and joint study committees, any

statistical data relating to wages, benefits and employment practices in public and private employment applicable to the occupations of the public employees in the County.

(g) To establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of fact-finding boards.

(h) To hold such hearings and make such inquiries as it deems necessary for it properly to carry out its functions and powers.

(i) For the purpose of such hearings and inquiries, to administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate such powers to any member of the board or any person appointed by the board for the performance of its functions. Such subpoenas shall be regulated and enforced under the Civil Practice Law and Rules.

(j) To make, amend and rescind, from time to time, such rules and regulations, including but not limited to those governing its internal organization and conduct of its affairs, and to exercise such other powers, as may be appropriate to effectuate the purposes and provisions of this article.

SECTION 2. Determination of Representation Status.

For purposes of resolving disputes concerning representation status, the Montgomery County Public Employment Board shall

1. Define the appropriate employer-employee negotiating unit, taking into account the following standards:

(a) the definition of the unit shall correspond to a community of interest among the employees to be included in the unit;

(b) the officials of government at the level of the unit shall have the power to agree, or to make effective recommendations to other administrative authority or the legislative body with respect to the terms and conditions of employment upon which the employees desire to negotiate; and

(c) the unit shall be compatible with the joint responsibilities of the public employer and public employees to serve the public.

2. Ascertain the public employees' choice of employee organization as their representative (in cases where the parties to a dispute have not agreed on the means to ascertain the choice, if any, of the employees in the unit) on the basis of dues deduction authorization and other evidences, or, if necessary, by conducting an election.

3. Certify or recognize an employee organization upon (a) the determination that such organization represents that group of public employees it claims to represent, and (b) the affirmation by such organization that it does not assert the right to strike against any government, to assist or participate in any such strike, or to impose an obligation to conduct, assist or participate in such a strike.

SECTION 3. Rights accompanying Certification or Recognition.

The County shall extend to an employee organization certified or recognized pursuant to this article, the following rights:

1. To represent the employees in negotiations and in the settlement of grievances;

2. To membership dues deduction, upon presentation of due deduction authorization cards signed by individual employees; and

3. To unchallenged representation status until the next succeeding budget submission date and, therefore, for an

additional period of either twelve months or, if the parties so agree, not less than twelve months nor more than twenty-four months, which period shall commence one hundred twenty days prior to such next succeeding budget submission date.

SECTION 4. Resolution of Disputes in the Course of Collective Negotiations.

1. For purposes of this section, an impasse may be deemed to exist if the parties fail to achieve an agreement at least sixty days prior to the budget submission date of the County, which is the 20th day of December each year.

2. The County of Montgomery is hereby empowered to negotiate written agreements with recognized or certified employee organizations setting forth procedures to be invoked in the event of disputes which reach an impasse in the course of collective negotiations. Such contracts must be approved by the Board of Supervisors. In the absence or upon the failure of such procedures, the County of Montgomery and/or employee organization may request the County Public Employment Relations Board to render assistance as provided in this section or that the board may render such assistance on its own motion.

3. On request of either party or upon its own motion, as provided in subdivision two of this section, and in the event the board determines that an impasse exists in collective negotiations between such employee organization and a public employer as to the conditions of employment of public employees, the board shall render assistance as follows:

(a) To assist the parties to effect a voluntary resolution of the dispute, the County Public Employment Relations Board shall appoint a mediator or mediators representative of the public from a list of qualified persons maintained by the board;

(b) If the impasse continues, the County Public Employment Relations Board shall appoint a fact-finding board of not more than three members, each representative of the public, from a list of qualified persons maintained by the County Public

Employment Relations Board, which fact-finding board shall have, in addition to the powers delegated to it by the County Public Employment Relations Board, the power to make public recommendations for the resolution of the dispute;

(c) If the dispute is not resolved at least fifteen days prior to the budget submission date, the fact-finding board, acting by a majority of its members, shall immediately transmit its finding of fact and recommendations for resolution of the dispute to the County of Montgomery and to the employee organization involved, and shall simultaneously make public findings and recommendations;

(d) In the event that the findings of fact and recommendations are made public by a fact-finding board established pursuant to procedures agreed upon by the parties under subdivision two of this section, and the impasse continues, the County Public Employment Relations Board shall have the power to take whatever steps it deems appropriate to resolve the dispute, including the making of recommendations after giving due consideration to the findings of fact and recommendation of such fact-finding board, but no further fact-finding board shall be appointed;

(e) In the event that either the County or the employee organization does not accept in whole or part the recommendations of the fact-finding board, the County of Montgomery shall, within five days after receipt of the findings of fact and recommendations of the fact-finding board, submit to the Board of Supervisors involved a copy of the findings of fact and recommendations of the fact-finding board, together with his recommendations for settling the dispute; and the employee organization may submit to the Board of Supervisors its recommendations for settling the dispute.

SECTION 5. This local law shall take effect when filed in the office of the Secretary of State of the State of New York.

NIC

Sex
M 19
F 21
MC 4
FC 3

47

allowed in said reports to the various claimants therein named, be, and the same hereby are, ordered paid.

Seconded by Supervisor Quist Jr. and duly adopted upon roll call, all members present (18) voting aye.

Dated: Fonda, N.Y., October 10, 1967.

JOSEPH DYLONG
Clerk, Board of Supervisors

GENE L. CATENA

County Attorney

cc: County Treasurer

RESOLUTION NO. 247

Resolution Adopting Local Law, Introductory No. 4, Print No. 1 for the Year 1967 for Montgomery County.

Resolution by Supervisor Nellis:

WHEREAS, on September 12, 1967, a proposed local law for the County of Montgomery, entitled "A local law to provide for assumption of liability by the County of Montgomery for acts, errors and omissions of negligence of the Montgomery County Clerk and employees of the Montgomery County Clerk's Office" was presented to the Board of Supervisors for consideration, and

WHEREAS, on the 12th day of September, 1967, a resolution was adopted authorizing and directing a public hearing to be held by this Board of Supervisors on the 10th day of October, 1967, at 2:00 P.M., at the New County Office Building, Fonda, N.Y., in the Supervisors' Chambers, and

WHEREAS, notice of such hearing on such proposed local law was duly published as required by law and the said hearing having been duly held on the 10th day of October, 1967, at the time and place appointed, and the Board of Supervisors having filed its minutes of said hearing.

NOW, THEREFORE, be it and it hereby is

RESOLVED, that said local law, known as Local Law Introductory No. 4, Print No. 1 for the year 1967, and titled "A local law to provide for assumption of liability by the County of Montgomery for acts, errors and omissions of negligence of the Montgomery County Clerk and employees of the Montgomery County Clerk's Office" be, and it hereby is, adopted and approved, and it is further

RESOLVED, that the Clerk of the Board of Supervisors of Montgomery County be, and he hereby is, authorized, empowered and directed to file one certified copy thereof with the County Clerk of the County of Montgomery; one certified copy thereof in the office of the State Comptroller and three certified copies thereof in the office of the Secretary of the State of New York.

Seconded by Supervisor Pitcher and duly adopted upon roll call, all members present (18) voting aye.

Dated: Fonda, N.Y., October 10, 1967.

JOSEPH DYLONG
Clerk, Board of Supervisors

County Attorney
GENE L. CATENA

cc: County Treasurer
County Clerk
State Comptroller
Secretary of State (3)

RESOLUTION NO. 248

Resolution Adopting Local Law, Introductory No. 3, Print No. 1 for the Year 1967 for Montgomery County.

Resolution by Supervisor Nellis:

WHEREAS, on September 12, 1967, a proposed local law for the County of Montgomery, entitled "A local law establishing the creation of the Montgomery County Public Employment Relations Board", was presented to the Board of Supervisors for consideration, and

WHEREAS, on the 12th day of September, 1967, a resolution was adopted authorizing and directing a public hearing to be held by this Board of Supervisors on the 10th day of October, 1967, at 2:30 P.M., at the New County Office Building, Fonda, N.Y., in the Supervisors' Chambers, and

WHEREAS, notice of such hearing on such proposed local law was duly published as required by law and the said hearing having been duly held on the 10th day of October, 1967, at the time and place appointed, and the Board of Supervisors having filed its minutes of said hearing.

NOW, THEREFORE, be it and it hereby is

RESOLVED, that said local law, known as Local Law, Introductory No. 3, Print No. 1, for the year 1967, and titled "A local law establishing the creation of the Montgomery County Public Employment Relations Board," be, and it hereby is, adopted and approved and it is further

RESOLVED, that the Clerk of the Board of Supervisors of Montgomery County be, and he hereby is, authorized, empowered and directed to file one certified copy thereof with the County Clerk of the County of Montgomery, one certified copy thereof in the office of the State Comptroller and three certified copies thereof in the office of the Secretary of the State of New York.

Seconded by Supervisor Pitcher and duly adopted upon roll call, all members present (18) voting aye.

Dated: Fonda, N.Y., October 10, 1967.

JOSEPH DYLONG
Clerk, Board of Supervisors

County Attorney
GENE L. CATENA

cc: County Treasurer
County Clerk
State Comptroller
Secretary of State (3)

id over August
of 6.7% over

ly adopted on
Common Coun-
sterdam, with
file in the City
the same is
refrom and of
inal.

OF. I have here-
d affixed the
msterdam, this
1967.

nes,

O. 246
Claims and

or Thompson:
reports of the
this Board of
claims under
were allowed
or disallowed
his meeting of
s be received,
minutes of this
he proceedings
the amounts

LIVE FAITH
NAME I PLU

CERTIFIED COPY OF RESOLUTION ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, N. Y.

RESOLUTION ADOPTING LOCAL LAW, INTRODUCTORY NO. 3, PRINT NO. 1 FOR THE YEAR 1967 FOR MONTGOMERY COUNTY

Resolution by Supervisor Nellis

WHEREAS, on September 12, 1967, a proposed local law for the County of Montgomery, entitled "A local law establishing the creation of the Montgomery County Public Employment Relations Board", was presented to the Board of Supervisors for consideration, and

WHEREAS, on the 12th day of September, 1967, a resolution was adopted authorizing and directing a public hearing to be held by this Board of Supervisors on the 10th day of October, 1967, at 2:30 P.M., at the New County Office Building, Ponda, N.Y., in the Supervisors' Chambers, and

WHEREAS, notice of such hearing on such proposed local law was duly published as required by law and the said hearing having been duly held on the 10th day of October, 1967, at the time and place appointed, and the Board of Supervisors having filed its minutes of said hearing.

NOW, WHEREFORE, be it and it hereby is

RESOLVED, that said local law, known as Local Law, Introductory No. 3, Print No. 1 for the year 1967, and titled "A local law establishing the creation of the Montgomery County Public Employment Relations Board", be, and it hereby is, adopted and approved, and it is further

RESOLVED, that the Clerk of the Board of Supervisors of Montgomery County be, and he hereby is, authorized, empowered and directed to file one certified copy thereof with the County Clerk of the County of Montgomery, one certified copy thereof in the office of the State Comptroller and three certified copies thereof in the office of the Secretary of the State of New York.

Seconded by Supervisor Pitche and duly adopted upon roll call, all members present (18) voting aye.

Dated: Ponda, N.Y., October 10, 1967.

Clerk, Board of Supervisors

Gene L. Catena
County Attorney

cc: County Treasurer
County Clerk ✓
State Comptroller
Secretary of State (3)

STATE OF NEW YORK }
County of Montgomery } ss.

This is to certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Montgomery, have compared the foregoing copy of resolution with the original resolution now on file in the office, and which was passed by the Board of Supervisors of said County on the 10 day of October, 1967, a majority of all the members elected to the Board voting in favor thereof, and that the same is a correct and true transcript of such original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Board of Supervisors this 10 day of October, 1967.

Clerk of the Board of Supervisors.

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

County
~~City~~ of Montgomery
~~Village~~
Print No. 1
Intro No. 3
Local Law No. _____ of the year 1967

A local law establishing the creation of the Montgomery County Public Employment Relations Board
(Insert title)

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

~~County~~
~~City~~ of Montgomery as follows:
~~Town~~
~~Village~~

SECTION 1. Montgomery County Public Employment Relations Board.

1. A board, to be known as the Montgomery County Public Employment Relations Board, is hereby created, pursuant to article 14 of the Civil Service Law of the State of New York, which shall consist of three members appointed by the Board of Supervisors. Not more than two members of the board shall be members of the same political party. Each member shall be appointed for a term of six years, except that of the members first appointed, one shall be appointed for a term to expire on May thirty-first, nineteen hundred sixty-nine, one for a term to expire on May thirty-first, nineteen hundred seventy-one, and one for a term to expire on May thirty-first, nineteen hundred seventy-three. The Board of Supervisors shall designate one member as chairman of the board. A member appointed to fill a vacancy shall be appointed for the unexpired term of the member whom he is to succeed.

2. Members of the County Board shall hold no other public office or public employment in the State.

3. The board may appoint an executive director and such other persons, including but not limited to mediators, members of fact-finding boards and representatives of employee organizations and public employers to serve as technical advisers to such fact-finding boards, as it may from time to time deem necessary for the performance of its functions, prescribe their duties, fix their compensation and provide for reimbursement of their expenses within the amounts made available therefor by appropriation.

4. In addition to the other powers and functions provided herein, the board shall have the following powers and functions:

(a) To establish procedures consistent with the provisions of section two hundred seven of the Civil Service Law and after consultation with interested parties, to resolve disputes concerning the representation status of employee organizations.

(b) To resolve, pursuant to such procedures, disputes concerning the representation status of employee organizations of employees of the County of Montgomery (or any political subdivision within the County) upon request of any employee organization.

(c) To resolve disputes concerning the representation status of other employee organizations, upon request of any employee organization or other government or public employer involved.

(d) To make studies and analyses of, and act as a clearing house of information relating to, conditions of employment of public employees throughout the County.

(e) To request from the County government, or agencies and departments thereof, such assistance, services and data as will enable the board properly to carry out its functions and powers.

(f) To make available to employee organizations, mediators, fact-finding boards and joint study committees, any

statistical data relating to wages, benefits and employment practices in public and private employment applicable to the occupations of the public employees in the County.

(g) To establish, after consulting representatives of employee organizations and administrators of public services, panels of qualified persons broadly representative of the public to be available to serve as mediators or members of fact-finding boards.

(h) To hold such hearings and make such inquiries as it deems necessary for it properly to carry out its functions and powers.

(i) For the purpose of such hearings and inquiries, to administer oaths and affirmations, examine witnesses and documents, take testimony and receive evidence, compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and delegate such powers to any member of the board or any person appointed by the board for the performance of its functions. Such subpoenas shall be regulated and enforced under the Civil Practice Law and Rules.

(j) To make, amend and rescind, from time to time, such rules and regulations, including but not limited to those governing its internal organization and conduct of its affairs, and to exercise such other powers, as may be appropriate to effectuate the purposes and provisions of this article.

SECTION 2. Determination of Representation Status.

For purposes of resolving disputes concerning representation status, the Montgomery County Public Employment Board shall

1. Define the appropriate employer-employee negotiating unit, taking into account the following standards:

(a) the definition of the unit shall correspond to a community of interest among the employees to be included in the unit;

(b) the officials of government at the level of the unit shall have the power to agree, or to make effective recommendations to other administrative authority or the legislative body with respect to the terms and conditions of employment upon which the employees desire to negotiate; and

(c) the unit shall be compatible with the joint responsibilities of the public employer and public employees to serve the public.

2. Ascertain the public employees' choice of employee organization as their representative (in cases where the parties to a dispute have not agreed on the means to ascertain the choice, if any, of the employees in the unit) on the basis of dues deduction authorization and other evidences, or, if necessary, by conducting an election.

3. Certify or recognize an employee organization upon (a) the determination that such organization represents that group of public employees it claims to represent, and (b) the affirmation by such organization that it does not assert the right to strike against any government, to assist or participate in any such strike, or to impose an obligation to conduct, assist or participate in such a strike.

SECTION 3. Rights accompanying Certification or Recognition.

The County shall extend to an employee organization certified or recognized pursuant to this article, the following rights:

1. To represent the employees in negotiations and in the settlement of grievances;

2. To membership dues deduction, upon presentation of due deduction authorization cards signed by individual employees; and

3. To unchallenged representation status until the next succeeding budget submission date and, therefore, for an

additional period of either twelve months or, if the parties so agree, not less than twelve months nor more than twenty-four months, which period shall commence one hundred twenty days prior to such next succeeding budget submission date.

SECTION 4. Resolution of Disputes in the Course of Collective Negotiations.

1. For purposes of this section, an impasse may be deemed to exist if the parties fail to achieve an agreement at least sixty days prior to the budget submission date of the County, which is the 20th day of December each year.

2. The County of Montgomery is hereby empowered to negotiate written agreements with recognized or certified employee organizations setting forth procedures to be invoked in the event of disputes which reach an impasse in the course of collective negotiations. Such contracts must be approved by the Board of Supervisors. In the absence or upon the failure of such procedures, the County of Montgomery and/or employee organization may request the County Public Employment Relations Board to render assistance as provided in this section or that the board may render such assistance on its own motion.

3. On request of either party or upon its own motion, as provided in subdivision two of this section, and in the event the board determines that an impasse exists in collective negotiations between such employee organization and a public employer as to the conditions of employment of public employees, the board shall render assistance as follows:

(a) To assist the parties to effect a voluntary resolution of the dispute, the County Public Employment Relations Board shall appoint a mediator or mediators representative of the public from a list of qualified persons maintained by the board;

(b) If the impasse continues, the County Public Employment Relations Board shall appoint a fact-finding board of not more than three members, each representative of the public, from a list of qualified persons maintained by the County Public

Employment Relations Board, which fact-finding board shall have, in addition to the powers delegated to it by the County Public Employment Relations Board, the power to make public recommendations for the resolution of the dispute;

(c) If the dispute is not resolved at least fifteen days prior to the budget submission date, the fact-finding board, acting by a majority of its members, shall immediately transmit its finding of fact and recommendations for resolution of the dispute to the County of Montgomery and to the employee organization involved, and shall simultaneously make public findings and recommendations;

(d) In the event that the findings of fact and recommendations are made public by a fact-finding board established pursuant to procedures agreed upon by the parties under subdivision two of this section, and the impasse continues, the County Public Employment Relations Board shall have the power to take whatever steps it deems appropriate to resolve the dispute, including the making of recommendations after giving due consideration to the findings of fact and recommendation of such fact-finding board, but no further fact-finding board shall be appointed;

(e) In the event that either the County or the employee organization does not accept in whole or part the recommendations of the fact-finding board, the County of Montgomery shall, within five days after receipt of the findings of fact and recommendations of the fact-finding board, submit to the Board of Supervisors involved a copy of the findings of fact and recommendations of the fact-finding board, together with his recommendations for settling the dispute; and the employee organization may submit to the Board of Supervisors its recommendations for settling the dispute.

SECTION 5. This local law shall take effect when filed in the office of the Secretary of State of the State of New York.