

## Public Employment Relations Board

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### Mission

The Public Employment Relations Board (PERB) was created by the Public Employees Fair Employment Act of 1967 (the Act), commonly referred to as the Taylor Law. PERB's mission is the impartial application and enforcement of the Act; the prevention of strikes; protecting the delivery of services to constituents; the protection of the rights of public employees to organize without interference or detriment; the determination of appropriate bargaining units and the direction of the process of representative selection; and issuance of determinations on charges of improper employment practices. The Agency also has the statutory responsibility to provide impasse resolution services (i.e., mediation, fact finding and interest arbitration). Effective July 2010, PERB's mission was broadened to encompass administration of the New York State Employment Relations Act. This requires the agency to provide similar labor and employment services and oversight to private sector employers in New York and the representatives of their employees that do not fall under the jurisdiction of the National Labor Relations Act or Railway Labor Act.

### Organization and Staffing

The Board consists of a full-time chair and two part-time members nominated by the Governor for six-year terms. The Chair serves as the agency head. PERB's main office is in Albany with regional offices located in Brooklyn and Buffalo. Major program areas include: Public Employment Practices and Representation consisting of a director, assistant director, trial examiners and support staff; the Office of Conciliation consisting of a director, assistant director, public employment mediators and support staff; Counsel's office; Office of Administration including the executive director, administrative officer, agency program aide and an information technology specialist; and the Office of the Chair, including PERB's full-time Chairperson, a Deputy Chair, and support staff. The regional offices are directed by a chief regional mediator and consist of trial examiners, public employment mediators and support staff.

### Budget Highlights

The FY 2023 Executive Budget recommends \$4.3 million in All Funds, an increase of \$282,000 from FY 2022, and a workforce of 32 FTEs, an increase of one FTE. This funding will support an elections supervisor position and new case management system.

### Program Highlights

The Board's jurisdiction includes State, county and local governments; certain special service districts; school districts; public authorities; and since July 2010, private employers that are not provided services by the National Labor Relations Board, the Federal Mediation and Conciliation Service, or the National Mediation Board.

In FY 2017, PERB embarked on a major effort to reform its Rules of Procedure to increase efficiency; modernize processing modalities of cases, including instituting electronic filing; improve transparency; and has also sought to eliminate wasteful practices and procedures. These and other ongoing efforts to modernize PERB's information systems continue to be priorities.

#### ***Public Employment Practices and Representation***

The section has four areas of responsibility: representation, improper practices, declaratory rulings and strikes.

Representation deals with petitions to represent unrepresented public employees, petitions to represent already represented employees either in the current unit or in some other unit configuration, and petitions to decertify the existing bargaining agent. Also included are applications by public employers to designate certain employees as managerial or confidential, and petitions seeking unit placement or unit certification.

Improper practices are charges filed by individuals, employee organizations, or public employers, alleging violations of Section 209-a of the Act.

The petitioner for a declaratory ruling may seek a determination of a scope of negotiations issue, or a determination as to the applicability of the Act to the petitioner or any other person, employee organization, or employer.

The final area of responsibility involves charges arising out of the strike prohibition set forth in the Act. Counsel's office investigates and prosecutes strike charges before the trial examiner is assigned by PERB's deputy chair. The trial examiner then submits a report and recommendations to the Board.

#### ***Office of Conciliation***

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The Office of Conciliation has primary responsibility for providing collective bargaining dispute resolution services throughout the State. The three primary functions for which the office is responsible are: administration of the impasse resolution procedures, including interest arbitration; administration of the voluntary grievance arbitration and staff mediation/arbitration procedures; and administration of the Labor Management Committee Program.

### **Counsel's Office**

Counsel's primary responsibility is to represent PERB before Federal and State courts pursuant to Section 205-a of the Act. Counsel's Office also investigates and prosecutes charges against unions in proceedings before PERB for their involvement in unlawful strikes. Counsel's Office is responsible for administering the Injunctive Relief provisions of the statute on behalf of the Board. Additionally, Counsel's Office prepares and disseminates formal advisory legal opinions for representatives of State agencies, local governments, employee organizations, and other interested persons.

### **Office of Administration**

The Office of Administration provides services in support of PERB's main office in Albany and regional offices in Brooklyn and Buffalo. The unit is responsible for agency administrative functions including budget preparation and execution, agency expenditures, utilization and maintenance of agency resources, administration of personnel matters, Freedom of Information Law requests, operation and maintenance of agency information systems, and records management.

### **Office of the Chair**

The Office of the Chair has overall responsibility and general oversight of the performance of the Agency's functions and fulfillment of its mission. The Chairperson, in addition to being one of the three members of PERB's board, is the functional equivalent of a Commissioner, as well as the appointing authority for all agency employees. As a member of the Board, the Chairperson is one of the three neutrals who render decisions in all matters appealed from either the Office of Public Employment Practices and Representation or the Office of Conciliation. The Chairperson presides at Board meetings and determines the calendars for such meetings. The Chairperson and Deputy Chair are responsible for ensuring the preparation of all draft decisions of the Board. The Deputy Chair, additionally, works in conjunction with the Chairperson on matters of increased efficiency, rules and regulatory improvement, and other special projects as designated.

### **ALL FUNDS APPROPRIATIONS (dollars)**

Category	Available FY 2022	Appropriations Recommended FY 2023	Change From FY 2022	Reappropriations Recommended FY 2023
State Operations	4,056,000	4,338,000	282,000	0
<b>Total</b>	<b>4,056,000</b>	<b>4,338,000</b>	<b>282,000</b>	<b>0</b>

### **ALL FUND TYPES PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM FILLED ANNUAL SALARIED POSITIONS**

Program	FY 2022 Estimated FTEs 03/31/22	FY 2023 Estimated FTEs 03/31/23	FTE Change
Administration			
General Fund	31	32	1
<b>Total</b>	<b>31</b>	<b>32</b>	<b>1</b>

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**STATE OPERATIONS**  
**ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE**  
**APPROPRIATIONS**  
(dollars)

Fund Type	Available FY 2022	Recommended FY 2023	Change
General Fund	3,672,000	3,943,000	271,000
Special Revenue Funds - Other	384,000	395,000	11,000
<b>Total</b>	<b>4,056,000</b>	<b>4,338,000</b>	<b>282,000</b>

**STATE OPERATIONS**  
**ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM**  
**APPROPRIATIONS**  
(dollars)

Program	Available FY 2022	Recommended FY 2023	Change
Administration			
General Fund	3,672,000	3,943,000	271,000
Special Revenue Funds - Other	384,000	395,000	11,000
<b>Total</b>	<b>4,056,000</b>	<b>4,338,000</b>	<b>282,000</b>

**STATE OPERATIONS - GENERAL FUND**  
**SUMMARY OF PERSONAL SERVICE APPROPRIATIONS AND CHANGES**  
**FY 2023 RECOMMENDED**  
(dollars)

Program	Total		Personal Service Regular (Annual Salaried)	
	Amount	Change	Amount	Change
Administration	3,722,000	247,000	3,398,000	235,000
<b>Total</b>	<b>3,722,000</b>	<b>247,000</b>	<b>3,398,000</b>	<b>235,000</b>

Program	Temporary Service (Nonannual Salaried)		Holiday/Overtime Pay	
	Amount	Change	Amount	Change
Administration	324,000	12,000	0	0
<b>Total</b>	<b>324,000</b>	<b>12,000</b>	<b>0</b>	<b>0</b>

**STATE OPERATIONS - GENERAL FUND**  
**SUMMARY OF NONPERSONAL SERVICE AND MAINTENANCE UNDISTRIBUTED**  
**APPROPRIATIONS AND CHANGES**  
**FY 2023 RECOMMENDED**  
(dollars)

Program	Total		Supplies and Materials	
	Amount	Change	Amount	Change
Administration	221,000	24,000	36,000	0
<b>Total</b>	<b>221,000</b>	<b>24,000</b>	<b>36,000</b>	<b>0</b>

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Program	Travel		Contractual Services	
	Amount	Change	Amount	Change
Administration	51,000	0	32,000	24,000
<b>Total</b>	<b>51,000</b>	<b>0</b>	<b>32,000</b>	<b>24,000</b>

Program	Equipment	
	Amount	Change
Administration	102,000	0
<b>Total</b>	<b>102,000</b>	<b>0</b>

**STATE OPERATIONS - OTHER THAN GENERAL FUND  
SUMMARY OF APPROPRIATIONS AND CHANGES  
FY 2023 RECOMMENDED  
(dollars)**

Program	Total		Personal Service	
	Amount	Change	Amount	Change
Administration	395,000	11,000	286,000	11,000
<b>Total</b>	<b>395,000</b>	<b>11,000</b>	<b>286,000</b>	<b>11,000</b>

Program	Nonpersonal Service	
	Amount	Change
Administration	109,000	0
<b>Total</b>	<b>109,000</b>	<b>0</b>

Note: Most recent estimates as of 05/11/2020