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Board Decisions - NYS PERB

New York State Public Employment Relations  
Board (PERB)

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10-9-1974

## State of New York Public Employment Relations Board Decisions from October 9, 1974

New York State Public Employment Relations Board

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## State of New York Public Employment Relations Board Decisions from October 9, 1974

### Keywords

NY, NYS, New York State, PERB, Public Employee Relations Board, board decisions, labor disputes, labor relations

### Comments

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STATE OF NEW YORK  
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of : #1-10/9/74  
WESTERN REGIONAL OFF-TRACK BETTING :  
CORPORATION, :  
Employer, :  
- and - :  
LOCAL 222, WESTERN REGIONAL OFF-TRACK : Case Nos. C-1120  
BETTING EMPLOYEES UNION, SEIU, AFL-CIO, : and C-1122  
Petitioner, :  
- and - :  
WESTERN REGIONAL OFF-TRACK BETTING :  
EMPLOYEES, COUNCIL 66, AFSCME, AFL-CIO, :  
Petitioner. :

CERTIFICATION OF REPRESENTATIVE AND ORDER TO NEGOTIATE

A representation proceeding having been conducted in the above matter by the Public Employment Relations Board in accordance with the Public Employees' Fair Employment Act and the Rules of Procedure of the Board, and it appearing that a negotiating representative has been selected;

Pursuant to the authority vested in the Board by the Public Employees' Fair Employment Act,

IT IS HEREBY CERTIFIED that Local 222, WESTERN REGIONAL OFF-TRACK BETTING EMPLOYEES UNION, SEIU, AFL-CIO

has been designated and selected by a majority of the employees of the above named public employer, in the unit described below, as their exclusive representative for the purpose of collective negotiations and the settlement of grievances.

Unit:

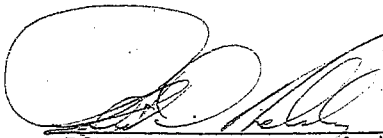
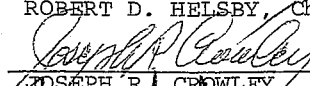
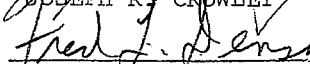
Included: All full and part time employees in the following titles: senior ticket machine operator, ticket machine operator, book-keepers, clerk, maintenance man-custodian, telephone operator, security aide and stenographers.

Excluded: Those performing secretarial services for the General Manager, the Asst. General Managers (East & West), the General Counsel and the Director of Operations and all other employees of the employer.

Further, IT IS ORDERED that the above named public employer shall negotiate collectively with Local 222, WESTERN REGIONAL OFF-TRACK BETTING EMPLOYEES UNION, SEIU, AFL-CIO

and enter into a written agreement with such employee organization with regard to terms and conditions of employment, and shall negotiate collectively with such employee organization in the determination of, and administration of, grievances.

Signed on the 9th day of October, 1974.

  
ROBERT D. HELSBY, Chairman  
  
JOSEPH R. CROWLEY  
  
FRED L. DENSON

Pursuant to and by virtue of the authority vested in the Public Employment Relations Board under Article 14 of the Civil Service Law, I, Robert D. Helsby, Chairman of the Public Employment Relations Board, acting on behalf of such Board, hereby amend NYCRR Title 4, Chapter VII, as follows. Any parts of the Rules of the Board not explicitly mentioned herein remain in effect as previously promulgated. These amendments shall take effect on October 1, 1974.

§201.3 (e) redesignated §201.3 (f).

NEW

§201.3 (e) A petition for certification or decertification may be filed by an employee organization other than the recognized or certified employee organization, if no new agreement is negotiated, 120 days subsequent to the expiration of a written agreement between the public employer and the recognized or certified employee organization or, if the agreement does not expire at the end of the employer's fiscal year, then 120 days subsequent to the end of the fiscal year immediately prior to the termination date of such agreement. Thereafter, such a petition may be filed until a new agreement is executed. Such a petition shall be supported by a showing of interest of at least 30% of the employees in the unit already in existence or alleged to be appropriate by the petitioner.

§201.3 (f) redesignated §201.3 (g).

Part 205 Impasses REPEALED.

NEW

Part 205 Conciliation

§205.1 Impasses.

(a) Scope. The following relates to all public employees except those employed by a government that has adopted procedures by local law, ordinance or resolution pursuant to section 212 of the Act, and with respect to which there is in effect a determination that such procedures are substantially equivalent to the provisions and procedures set forth in the Act and in pertinent Rules with respect to the State.

(b) Filing of Notice. In the event that a public employer and a certified or recognized employee organization have failed to achieve an agreement, either the public employer or the employee organization may notify the Board in writing of the existence of an impasse. One copy of the notification shall be filed with the Board, and another shall be served upon all other parties to the negotiations. Such notification shall specify:

(1) The name, affiliation, if any, and address of the person issuing the notification.

(2) The name or names and address(es) of the other parties to the collective negotiations.

(3) A statement that the employee organization involved is either certified or recognized.

NEW

(4) A clear and concise statement of any other relevant facts.

§205.2 Voluntary Interest Arbitration.

(a) In the event that a public employer and a certified or recognized employee organization agree to submit any unresolved issue in negotiations to arbitration, they may request the assistance of the Board in providing for such arbitration by a letter directed to the Director of Conciliation.

(b) The written request may be initiated by either party and shall be accompanied by a copy of the submission.

(c) An arbitrator shall be designated pursuant to the selection process established by the Director of Conciliation, which process will give the parties an opportunity to participate in the selection of the arbitrator.

§205.3 Compulsory Interest Arbitration; Scope.

The following relates to impasses in collective negotiations between a recognized or certified employee organization that represents officers or members of an organized fire department or an organized police force or police department of any county, city (except the City of New York) town, village, fire district or a police district and the employing county, city (except the City of New York), town village, fire district or police district when the recommendations of a fact-finding board do not resolve such impasse.

§205.4 Compulsory Interest Arbitration; Petition.

(a) Filing. A petition requesting the Board to refer an impasse to a public arbitration panel may be filed by an employee organization or public employer after ten days have elapsed following submission to the Board of the report and recommendations of the fact-finder applicable to such impasse. It shall be served upon the other party to the impasse immediately.

(b) Contents. Such petition shall contain the following:

(1) The name and address of the public employer and the employee organization involved in the impasse.

(2) The name, title, address and telephone number of the representative of each party to whom correspondence shall be directed.

(3) A statement of each of the terms and conditions of employment raised during negotiations, as follows:

(i) terms and conditions of employment that have been agreed upon.

(ii) petitioner's position regarding terms and conditions of employment not agreed upon.

Proposed contract language may be attached.

(4) Proof of service upon the respondent party.

§205.5 Compulsory Interest Arbitration; Response.

(a) Filing. A response shall be filed within five working days of receipt of the petition requesting arbitration. It shall be served upon the petitioning party simultaneously.

NEW

9023  
State

(b) Contents.

(1) Such response shall contain respondent's position regarding terms and conditions of employment not agreed upon. Proposed contract language may be attached.

(2) The response may also raise objections to the arbitrability of any of the matters raised in the petition and to any statement in the petition alleging agreement as to terms and conditions of employment.

§205.6 Improper Practice Charges Related to Compulsory Interest Arbitration

(a) A charge filed by either party alleging violation of section 209-a.1(d) or section 209-a.2(b) of the Act which raises questions of arbitrability will be accorded expedited treatment in the manner set forth in section 204.4 of these Rules. If filed by the respondent, such a charge may not be filed after the date of the filing of its response; if filed by the petitioner, such a charge may not be filed more than five working days after its receipt of the response.

(b) The public arbitration panel shall not make any award on issues, the arbitrability of which is the subject of an improper practice charge, until final determination thereof by the Board or withdrawal of the charge; it may make an award on other issues.

§205.7 Selection of the Compulsory Interest Arbitration Panel.

(a) Within ten days after receipt of the petition by the Board, each party shall appoint its member to the arbitration panel and the two parties will jointly appoint the public member. The parties will immediately notify the Board of the identity of the three members of the panel selected by the parties. The Board shall forthwith designate such public arbitration panel and refer the dispute to such panel.

(b) If the parties are unable to agree upon the public member within ten days, either party may request the Board to submit a list of qualified persons for selection of the public member. Within seven days after receipt of such request, the Board shall submit to each party an identical list of seven arbitrators from its panel of arbitrators. A resume of each arbitrator on such list shall be enclosed for the parties' review. The parties shall be required to meet and make their selection in the following manner. Each party shall alternately strike from the list one of the names with the order of striking determined by lot until the remaining one person shall be designated as the public member. If either party so desires, a representative of the Board will be present during the name-striking process. The name-striking process must be completed within five days of receipt of the list from the Board. The Board must be immediately notified of the person selected as the public member. Upon the failure of one party to participate in the selection process, all names on the list shall be deemed acceptable to it.

(c) Upon notification of the identity of the public member of the panel, the Board shall immediately designate such public arbitration panel and refer the dispute to such panel.

(d) Both parties shall have a right to a stenographic record taken of the arbitration proceeding. A request for a stenographic record must be made in writing to the Board within seven days after the designation of the public arbitration panel. The cost of such record shall be paid by the party requesting it or divided equally between both parties if both make such request. If a stenographic record is requested by either party, three copies of the transcript shall be provided to the arbitration panel.

NEW

§205.8 Conduct of the Arbitration Proceeding.

The conduct of the arbitration panel shall be under the exclusive jurisdiction and control of the arbitration panel. The conduct of the arbitration panel shall conform to the applicable laws.

§205.9 Determination and Award.

The determination and award of the arbitration panel shall be in writing, signed and acknowledged by each member of the arbitration panel, and shall be delivered to the parties either personally or by registered or certified mail, return receipt requested. Within five days of rendering the determination and award, the arbitration panel shall file two copies of the determination and award with the Director of Conciliation.

Part 207 Accumulation of Reference Material Under Section 205.5(e) of the Act, is redesignated Part 214.

NEW

Part 207 Voluntary Grievance Arbitration

§207.1 Policy Regarding Grievance Arbitration.

It is the policy of the Act to encourage public employers and recognized or certified employee organizations to enter into written agreements containing grievance procedures. In furtherance of this policy, the following voluntary arbitration rules of procedure are provided to (a) insure an efficient and orderly procedure for grievance arbitration, (b) assist the parties in remedying procedural deadlocks, and (c) effectuate the rapid adjudication of disputes and controversies.

§207.2 Panel of Arbitrators.

(a) The Board shall maintain a panel of arbitrators, broadly representative of the public, who qualify and meet the Board's standards and criteria of professional competence, impartiality and acceptability. All applicants requesting inclusion on the panel shall be reviewed by the Board on the basis of their education, experience and expertise in the field of labor arbitration or its equivalent, and general reputation in the practice of labor-management relations. Careful evaluation, subject to the above standards and criteria, shall be made before an applicant is included on the panel of arbitrators.

(b) Inclusion in good standing on the panel shall be conditioned on the arbitrator assuming the responsibility of keeping the Director of Conciliation immediately informed of any changes in address, availability limitations, per diem rate, and occupation, especially where such occupational change results in financial return from, connection with, or of concern to, a public employer or employee organization. The Board shall periodically review the panel of arbitrators and shall at any time take appropriate action, including removal of the arbitrator from the panel, where the arbitrator has not adhered to the Board's policies and these Rules.

§207.3 Agreement to Arbitrate.

Either party or both parties to a written agreement may request the Director of Conciliation to commence the administration of these voluntary arbitration rules of procedure if, in their agreement, the parties have provided for arbitration pursuant to the provisions of Part 207 of these Rules. The voluntary arbitration rules of procedure shall apply in the form obtaining at the time the arbitration is initiated.

NEW

## §207.4 Demand for Arbitration; Submission to Arbitrate.

(a) Demand for Arbitration (Request made by one party to the other) Petitioner shall serve on the respondent a Demand for Arbitration which shall serve as notice of intention to arbitrate pursuant to CPLR section 7503. Such notice shall be served in the same manner as a summons or by registered or certified mail, return receipt requested. In addition, three copies of the Demand for Arbitration shall be filed with the Director of Conciliation together with proof of service on the respondent.

(b) Contents of Demand for Arbitration. A Demand for Arbitration shall include the following:

- (1) Date.
- (2) Name of Petitioner.
- (3) Name of Respondent.
- (4) Name, title, address and telephone number of the representative of each party to whom correspondence from the Director of Conciliation shall be directed.
- (5) Effective date and expiration date of the agreement.
- (6) Identification of the provision(s) in the agreement providing for arbitration, together with a copy thereof.
- (7) Identification of the provision(s) in the agreement claimed to be violated, together with a copy thereof.
- (8) A clear and concise description of the nature of the dispute(s) to be arbitrated and the remedy(ies) sought. (Include the name(s) of the grievant(s)).
- (9) The following language, quoted verbatim:

"THE UNDERSIGNED, A PARTY TO A WRITTEN AGREEMENT WHICH PROVIDES FOR ARBITRATION AS DESCRIBED HERewith, HEREBY DEMANDS ARBITRATION. YOU ARE HEREBY NOTIFIED THAT COPIES OF THIS DEMAND FOR ARBITRATION ARE BEING FILED WITH THE DIRECTOR OF CONCILIATION, NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD, 50 WOLF ROAD, ALBANY NEW YORK 12205 WITH THE REQUEST THAT HE COMMENCE THE ADMINISTRATION OF THE VOLUNTARY ARBITRATION RULES OF PROCEDURE.

PURSUANT TO THE NEW YORK ARBITRATION LAW, ARTICLE 75, SECTION 7503, CIVIL PRACTICE LAW AND RULES, YOU HAVE TWENTY (20) DAYS FROM DATE OF SERVICE OF THIS DEMAND TO APPLY TO STAY THE ARBITRATION OR BE PRECLUDED FROM SUCH APPLICATION."

(10) Signature and title of the representative serving the Demand for Arbitration.

(c) Submission to Arbitrate (joint request). Parties to an arbitration agreement may jointly request arbitration by forwarding a Submission to Arbitrate to the Director of Conciliation.

(d) Contents of Submission to Arbitrate. A Submission to Arbitrate shall include the following:

- (1) Date.
- (2) Name of public employer and employee organization.
- (3) Name, title, address and telephone number of the representative of each party to whom correspondence from the Director of Conciliation shall be directed.
- (4) Identification of the provision(s) in the agreement claimed to be violated, together with a copy thereof.



NEW

(5) A clear and concise description of the nature of the dispute(s) to be arbitrated and the remedy(ies) sought (include the name(s) of the grievant(s)).

(6) The following language, quoted verbatim:

"THE PARTIES NAMED HEREIN, HEREBY JOINTLY REQUEST BINDING ARBITRATION OF THE DISPUTE DESCRIBED HEREIN UNDER THE VOLUNTARY ARBITRATION RULES OF PROCEDURE OF THE NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD."

(7) Signatures and titles of the representatives filing the Submission to Arbitrate.

#### §207.5 Determination of Jurisdiction.

(a) Where these Rules have been incorporated by reference into an agreement to arbitrate, they shall be deemed binding on the parties as a valid part of such agreement.

(b) Where no agency's rules of procedure for arbitration have been incorporated by reference into an agreement to arbitrate, the Board's jurisdiction will not attach in the matter until a Submission to Arbitrate has been received by the Director of Conciliation or until the respondent has been served with a Demand for Arbitration and the time limit to apply for a stay of arbitration, as provided in CPLR section 7503, has expired. In the event no application for a stay is made within the specified time limit, the Board's jurisdiction shall attach and these Rules shall be deemed binding on the parties as a valid part of their agreement to arbitrate.

#### §207.6 Arbitrability.

(a) Should either party contest the arbitrability of a grievance, the Director of Conciliation shall make no determination as to whether the grievance is a proper subject for arbitration. The Director of Conciliation's responsibilities throughout the application of these Rules are administrative and, therefore, commencement of the administration of these Rules shall be construed as compliance with a request.

(b) The Board encourages parties to submit arbitrability questions to the arbitrator for determination. However, should the party served with a Demand for Arbitration pursue the legal remedies for a stay of arbitration in accordance with CPLR section 7503, a copy of the application to stay arbitration shall be filed with the Director of Conciliation within twenty days of service of the Demand for Arbitration.

(c) Upon timely receipt of a copy of the application to stay arbitration, the Director of Conciliation shall hold in abeyance the designation of the arbitrator pending final court determination of the arbitrability question. Absent timely receipt, the Director of Conciliation shall carry out his administrative responsibilities pursuant to these Rules.

#### §207.7 Selection Process.

After receipt of a Demand for Arbitration or Submission to Arbitrate, the Director of Conciliation shall forward to the representative named therein two copies of an identical panel list of five arbitrators selected from the Panel of Arbitrators. A resume of each arbitrator on such panel list, including the rate of his per diem fee, shall be enclosed for the parties' review. Each party shall have ten days from date of the letter containing the panel list in which to select, rank and return their selections to the Director of Conciliation.

NEW

(a) Selection and Preferential Ranking. Unless the parties have provided for their own method of selecting an arbitrator in their agreement to arbitrate, the following process for the selection of an arbitrator shall be employed:

If more than three names on the panel list are acceptable, those names shall be ranked in order of the party's preference and the remaining name, if any, shall be stricken. Otherwise, the party shall strike NO MORE THAN TWO NAMES from the panel list and indicate a preference among those names remaining by ranking them (1), (2) and (3).

(b) Additional Lists. If a party determines that more than two names on a panel list are unacceptable, a request by such party for an additional panel list shall be filed with the Director of Conciliation within the ten-day time period established for selection and preferential ranking. A copy of such request shall be sent to the other party simultaneously. Each party shall have the right to request one additional list, and consequently, no party shall receive more than three panel lists. Pursuant to the selection process, if the parties fail to select an arbitrator after the submission of a third panel list, the Director of Conciliation shall take whatever steps necessary to designate an arbitrator.

(c) Designation of the Arbitrator.

(1) Timely Receipt of Selections. Upon timely receipt of each party's selections and consistent with their selected order of preference, the Director of Conciliation shall designate the arbitrator. If the designated arbitrator declines or is unable to serve, the Director of Conciliation shall reserve the right to designate an arbitrator without the submission of an additional panel list. In no case, however, will an arbitrator be designated whose name was stricken by either or both parties.

(2) Failure to Timely Return Selections. If a party fails to timely return its selections to the Director of Conciliation, all names submitted on the panel list shall be deemed acceptable to such party and the designation of the arbitrator shall be made according to the preferences of the party whose selections have been timely received.

#### §207.8 Notice of Designation.

(a) The parties shall be notified forthwith by the Director of Conciliation of the name of the designated arbitrator.

(b) The arbitrator, upon notification of his designation by the Director of Conciliation, shall immediately communicate directly with the parties to make arrangements for preliminary matters such as the date, time and place of the arbitration hearing. If the arbitrator cannot schedule a hearing and determine the issues promptly, he shall notify the Director of Conciliation forthwith. The Director of Conciliation shall take such action, consistent with these Rules, as he deems appropriate.

#### §207.9 Status of Arbitrator After Designation; Conduct of Proceedings.

After designation, the legal relationship of the arbitrator is with the parties, rather than the Board. While the Board shall maintain a continuing interest in the proceedings, the designated arbitrator shall not be considered an agent or representative of the Board. The conduct of the arbitration proceeding shall be under the arbitrator's exclusive jurisdiction and control, subject to such rules of procedure as the parties may jointly agree upon. The arbitrator shall have all of the power specified in CPLR sections 7505, 7506 and 7509 insofar as these sections may be applicable. The arbitrator's conduct shall conform to applicable laws.

NEW

§207.10 Stenographic Record and Transcript.

(a) Either party or the arbitrator may request that a stenographic record of testimony be taken and that party shall be responsible for arrangements for such stenographic record.

(b) The party or parties requesting the record shall pay the cost thereof, including the cost of a transcript to be furnished to the arbitrator. If the arbitrator orders that testimony be recorded, the cost of recording the testimony shall be mutually shared by the parties, including the cost of a transcript to be furnished to the arbitrator. Any other party to the arbitration shall be entitled to obtain a transcript upon payment therefor. The arbitrator shall indicate whether or not the transcript taken shall serve as the official record of the proceeding.

§207.11 Award Upon Settlement.

The commencement of the administration of these Rules shall in no way preclude the parties from adjusting the dispute on their own at any time before or during an arbitration hearing. If a settlement has been reached between the parties, the arbitrator, upon joint request of the parties, may set forth the terms of the settlement in the form of an award.

§207.12 Expedited Rendition of Award.

(a) Should the parties mutually agree to an expedited rendition of the arbitrator's award, notice in the form of a joint request in writing shall be received by the Director of Conciliation before the designation of the arbitrator.

(b) The decision of the arbitrator shall be in the form of an award only, and shall be rendered within seven days after the arbitrator has declared the hearing closed.

§207.13 Form of Award and Time Rendered.

(a) The award shall be in writing, signed and acknowledged by the arbitrator, and shall be delivered to the parties either personally or by registered or certified mail, return receipt requested. If no period of time for the rendition of an award has been specified in the agreement and the parties have not mutually agreed to an expedited rendition of the award, as provided in section 207.12 of these Rules, an award shall be rendered within thirty days after the arbitrator has declared the hearing closed, unless this time period has been extended by the parties and so confirmed by them in writing.

(b) If no award has been rendered within sixty days after the arbitrator has been designated, it shall be the responsibility of the arbitrator to inform the Director of Conciliation of the status of the case. Similar reports are to be made every fifteen days thereafter until completion of the arbitration assignment. In any case, the parties shall notify the Director of Conciliation of any undue delay.

§207.14 Time Extension.

Except as prescribed by statute, upon request of any party, with notice to the other party, the Director of Conciliation, for good cause shown, may extend any time limit in these Rules except the time limit for rendering an award.

§207.15 Expenses and Fees.

(a) There is no administrative fee charged by the Board for its administrative services.

NEW

(b) The arbitrator's per diem fee, certified in advance by him to the Board and listed on his resume, shall be the rate charged to the parties. Compensation for the services of an arbitrator, including his required travel and other necessary and incidental expenses, shall be borne completely by the parties. Each party shall pay fifty per cent of such fees and expenses, unless otherwise mutually agreed upon in writing by the parties.

(c) An arbitrator who requires the payment of an adjournment fee in the event of a postponement or cancellation of a scheduled hearing by either or both parties, shall give proper notice on his resume. Unless otherwise mutually agreed upon in writing by the parties, the party responsible for such adjournment shall pay the entire fee, and in the case where both parties require adjournment, each party shall pay fifty per cent of such adjournment fee.

#### §207.16 Filing of the Award and Arbitration Report Form.

Within ten days of rendering an award, the arbitrator shall file two copies of the award with the Director of Conciliation. In all cases where an arbitrator is designated, he is required, upon completion of his assignment, to submit to the Director of Conciliation an Arbitration Report Form showing a detailed accounting of his fees and expenses (if any and other relevant information concerning the final disposition of the issue(s) in dispute.

#### §207.17 Publication of Award.

In the absence of objection by either party, all awards shall be made available for publication.

Part 208 Miscellaneous, is redesignated Part 215.

NEW

#### Part 208 Access to Records of the Board

##### §208.1 Records Available for Public Inspection and Copying.

The records of the Board available for public inspection and copying, in accordance with the procedures hereinafter set forth, are:

(a) Decisions of the Board, including dissenting opinions, in cases under Parts 201, 202, 203, 204, 205 and 206 of these Rules.

(b) Decisions of the Director of Public Employment Practices and Representation made in cases under Parts 201, 202 and 204 of these Rules.

(c) Decisions of hearing officers made in cases under Parts 204 and 206 of these Rules.

(d) Minutes of all public hearings held in cases referred to in subdivisions (a), (b) and (c) of this section, together with all pleadings, briefs and exhibits in such cases.

(e) Reports of fact-finding boards made pursuant to section 209 of the Civil Service Law after such reports have been made public in accordance with such section.

(f) Awards to arbitrators filed with the Director of Conciliation under Parts 205 and 207 of these Rules.

(g) Reference material filed with the Board under Part 14 of these Rules.

NEW

(h) Minutes of the meetings of the Board.

(i) Statements of policy and interpretations which have been adopted by the Board and any documents, memoranda, data or other material constituting statistical or factual tabulations which led to the formulation thereof.

Note: Statements of policy of the Board, as of the date of the enactment of these Rules, are contained only in its Rules of Procedure (4 NYCRR, Part 200 et seq.), its decisions referred to in subdivision (a) of this section, or the minutes of its meetings referred to in subdivision (h) of this section.

(j) Studies and recommendations made pursuant to section 205.5(g) of the Civil Service Law, upon approval by the Board for public distribution.

(k) Such statistical data compiled pursuant to section 205.5(h) of the Civil Service Law which the Board approves for public distribution.

(l) Internal or external audits made by or for the Board.

Note: As of the date of the enactment of these Rules, none have been made.

(m) Administrative staff manuals and instructions to the staff that affect members of the public.

Note: As of the date of the enactment of these Rules, the Board has issued no administrative staff manuals.

§208.2 Records Available for Inspection Only to Bona Fide Members of the News Media.

In addition to the records of the Board available for public inspection and copying specified in section 208.1 of these Rules, an itemized record setting forth the name, address, title and salary of the Board members and every employee of the Board shall be available for inspection by bona fide members of the news media, in accordance with the procedures hereinafter set forth.

§208.3 Procedures for Inspection and Copying the Records Available Under Section 208.1.

(a) The Board's Director of Public Information is hereby designated its Records Access Officer for the purposes of these Rules.

(b) A request to inspect any record specified in section 208.1 of these Rules shall be made either orally or in writing to the Board's Director of Public Information, who will make suitable arrangements for such inspection during regular office hours at the offices of the Board in Albany, New York City or Buffalo, provided that the location of a particular record may require its inspection at a particular office.

Note: The records of the Board available for inspection under §208.1(a), (b) and (c) may also be found in the published volume entitled Official Decisions, Opinions and Related Matters of the Public Employment Relations Board, sets of which are kept in various libraries, including the library of the Court of Appeals, the four Appellate Divisions and the Board's libraries. Also contained in said publication are selected reports of fact-finding boards.

Note: Since the nature of most of PERB's records is such that they are intended for the guidance of, and to be helpful to, various segments of the public, they are ordinarily available for inspection on the day that a request is received. However, if a request is made to inspect large numbers of records, PERB reserves the right to require reasonable advance notice of such request.

NEW

(c) Copies of documents previously prepared for distribution and in stock are available without charge by either writing to the Board's Director of Public Information or requesting such documents at the Board's principal offices at 50 Wolf Road, Albany, New York 12205.

(d) Except as provided in subdivision (e) of this section, a fee of ten cents per page will be charged for all copies made upon request by anyone other than a representative of a public employer or employee organization or a member of a Board panel. The Board will make every effort to comply with requests for such copies as expeditiously as possible.

(e) Stenographic services at hearings held by the Board are provided pursuant to contract under which the stenographer has exclusive right to reproduce and sell copies of minutes at hearings at charges fixed in such contract. While the minutes of hearings may be inspected at the offices of the Board, any person desiring a copy of minutes must make arrangements directly with the stenographer. The name and address of the current contract stenographer will be furnished by the Director of Public Information upon request.

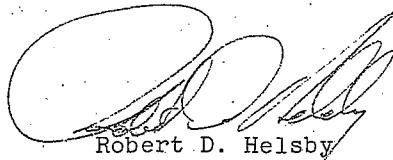
§208.4. Procedures for Inspection of Records Available Under Section 208.2

(a) The Board's Executive Director is hereby designated its Fiscal Officer for the purposes of these Rules.

(b) A request by a bona fide member of the news media to examine records specified in section 208.2 shall be made in writing and delivered to the Board's Executive Director at 50 Wolf Road, Albany, New York 12205 at least three days prior to the requested date of inspection. Such request shall be made upon a form provided by the Board for this purpose.

(c) Upon appearing for inspection of the records set forth in section 208.2, pursuant to a request made in accordance with subdivision (b) of this section, the person desiring to inspect the record shall furnish to the Board's Executive Director identification sufficient to establish that such person is a bona fide member of the news media.

I hereby certify that these amendments were adopted by the Public Employment Relations Board on September 27, 1974.



Robert D. Helsby  
Chairman  
Public Employment Relations Board