MEMORANDUM

TO: Office of the Secretary to the Governor
FROM: John F. Wirenius, Chair
RE: Government Transparency Initiative
DATE: October 20, 2021

In response to the memorandum received on September 20, 2021 from the Office of the Secretary to the Governor, the Public Employment Relation Board ("PERB") submits the following initiatives and plans to improve transparency and increase the quantum and quality of information available to the public at large and PERB’s constituencies.

Because PERB functions as a quasi-judicial decisional body, deciding cases between public sector employee organizations and public employers, as well as between private sector unions and the employers under the State Employee Relations Act, as amended by the Farm Laborers’ Fair Labor Practices Act ("FLFLPA"), PERB’s deliberations and consideration of cases prior to the release of decisions are excluded from the Open Meetings Law. (OML § 108 (1)). PERB continues its long-standing practice of making available a list of cases up for deliberation at each quasi-judicial meeting. Subsequent to each quasi-judicial meeting, PERB makes available the list of cases decided by the Board.

- Post most frequent/common FOIL requests and responses on the PERB website;
- Improve response time to FOIL requests using a new tracking system managed by the Office of Administration;
- Increase the number of oral arguments in significant cases, making them available via Zoom or other remote platforms, allowing the public to attend virtually;
- Clearly distinguish policy-making and other meetings from purely quasi-judicial sessions to promote attendance/remote engagement where possible;
- Introduce a new initiative by which PERB uses social media to encourage engagement with our constituents and make more information freely available through commonly used platforms;
- Update PERB statistics to the website on a quarterly basis;
- Post to the PERB website a plain-language explanation of the State Employment Relations Act (SERA) rules and procedures (drafting already in progress);

We are considering other options such as the posting of decisions issued by Administrative Law Judge decisions to the PERB website. This initiative will, if practicable, be done in partnership with Cornell University, extending our already extant partnership under which PERB currently posts Board decisions. We will work with Cornell to investigate practicality of this option.

PERB has consistently provided public information on a broad basis. Nearly fifty years of board decisions and public sector contracts are posted to the PERB website. PERB recently applied for a grant through the National Historical and Public Records Commission (NHPRC) in an effort to publish historical documents related to labor relations in New York State. While the grant application was not approved, we intend to otherwise make these rare documents available to the public in partnership with State Archives, but also as volumes suitable for general readers, advocates in the field, and scholars.

PERB was created in 1967 with the enactment of the Public Employees' Fair Employment Act (commonly known as the Taylor Law). Although the Taylor Law constitutes § 200-214 of the Civil Service Law, PERB was established as an independent agency, statutorily separated from the Civil Service Department.

The Taylor Law granted public employees throughout the State the right to join and participate in the activities of any union of their choice, or to decline to do so, and required New York State public employers to bargain collectively with unions chosen by employees regarding terms and conditions of employment. The law also continued the previous prohibition against strikes by public employees.

For purposes of performing the functions mandated by the Taylor Law, the agency is organized with the Board as the policy-making body; an Executive Director with administrative and budgetary responsibilities; and three program units with directors responsible for each. The Office of Conciliation administers the collective negotiations dispute resolution processes; the Office of Public Employment Practices and Representation is responsible for resolving representation and improper practice matters; and the Office of Counsel represents PERB in court actions.

The main office of PERB is located in Albany; PERB regional offices are located in New York City and Buffalo.