



New York State
Public Employer Labor Relations Association Inc.

www.nyspelra.org

Winter – January 2026

SAVE THE DATE

The 2026 NYSPERLA 51st Annual Training Conference will be held in Saratoga Springs, New York from June 28, 2026 to July 1, 2026. Stay tuned for registration and hotel information.

Right to Disconnect - Could it happen in New York?

The “right to disconnect” is law in countries around the world. The law would allow an employee to refuse (yes, “refuse”) work related contact outside the regular working hours for that employee’s position. The employee is protected from any adverse employment action based on the “refusal”. The purpose of these laws is to help prevent burnout and to establish boundaries between personal time and paid work time.

To date, France, Spain, Italy, Ireland, Luxemburg, Greece and Portugal have adopted “right to disconnect” laws. Australia has implemented the Fair Work Act which impacts businesses large and small. The law would generally allow “an employee to refuse contact from their employer (or from a third party where the contact or attempted contact relates to their work) outside the employee’s working hours.”

Ontario, Canada requires employers with 25 or more employees to have a written policy for the workers to disconnect from work communications; and although the NYC Council introduced Right to Disconnect legislation back in 2018, it did not become law. Likewise, the State of California had (most recently in 2023) attempted to have legislation pass its state legislature only to see it fail. And New Jersey’s proposed legislation requiring employer “right to disconnect” policies has also failed.

We will keep you posted.

AI and Age Discrimination

The US Senate has held a hearing to explore protecting older workers against potential age-based discrimination caused by AI assistance in job recruitment. It appears that AI, among its many other abilities, can screen out potential employees who may “appear” older. The Protecting Older Americans Act of 2025 is legislation under consideration from both sides of the aisle, backed by the American Association of Retired Persons and sponsored jointly by Senators Kirsten Gillibrand (New York) and Rick Scott (Florida). It seems to amend the Age Discrimination in Employment Act (and various other statutes) to make it less burdensome to establish discrimination based upon age. (See, H.R. 3522 introduced in May of 2025)

Recoupment of Wages

The subject of recoupment of wages is a mandatory subject of bargaining under the Taylor Law. City of Albany, 23 PERB 4531 (1990), *exceptions dismissed as untimely*, 23 PERB 3027 (1990), *aff'd* 24 PERB 7004 (Sup. Ct. Albany County 1991) Although the Board dismissed the City’s subsequent exceptions on procedural grounds, it noted that if it had reached the merits it would have affirmed the ALJ’s decision that a unilaterally implemented recoupment procedure violated the Act.

In addition to the negotiability issue, there is also a Court of Appeals case that held that a government employer has to ensure there are some procedural protections afforded to ensure the amounts of recoupment are accurate. Leirer v. Caputo, 81 N.Y.2d 455 (1993) The Court stated that an employer could not unilaterally implement the recoupment procedure where the amount at issue was disputed by the employee and no quasi-judicial safeguards were put in place, noting that the procedures used in the audit were “seriously flawed in that no tribunal was convened, no witnesses were sworn, no testimony was taken by anyone, no arbitration was conducted, and no contract was relied upon.”

If you have negotiated recoupment procedures those would satisfy these requirements.

In summary, per PERB decisions, a public employer cannot recoup money from an employee's pay check without negotiations.

Happening in the World of Collective Bargaining

Greene County: Greene County and its unit of Corrections Officers entered into a two-year agreement for the term **January 1, 2026 – December 31, 2027**. The key issue for the County and its Sheriff's Office was the implementation of a 12-hour shift (similar to the current schedule for its Road Patrol). When the employees were vocally disinterested, the County (and the Union) agreed to limit the term, although, traditionally, agreements had been for a minimum three (3) year period.

Wages:

January 1, 2026 – 2.75%

January 1, 2027 – 2.75%

The parties also agreed to a slight increase in both shift differential and longevity.

Shift Differential:

11 PM-7 AM - \$1.75 (A Line) (Now: \$1.50)

3 PM-11 PM - \$1.25 (C Line) (Now: \$1.00)

Longevity (completion of...):

3-5 years \$500.00

6-10 years \$1,000.00

11-15 years \$1,500.00

16-20 years \$2,000.00

21-25 years \$2,500.00

26-30 years \$3,000.00

Holiday: Traded Election Day for Juneteenth.

Town of Greenville: The Town and its Teamster Highway Unit entered into a three (3) year successor agreement as follows:

Term:

January 1, 2026 – December 31, 2028

Wages:

January 1, 2026 (to help with recruitment issues): \$1.00 added to base plus 3.0%

January 1, 2027: 3.0%

January 1, 2028: 3.0%

Longevity: Increased from \$0.10 - \$0.40 per year dependent upon year of service.

| Service Years | \$\$ | Increased Amount |
|----------------------|-------------|-------------------------|
| 1 – 5 | \$208.00 | \$0.10 |
| 5 – 10 | \$312.00 | \$0.15 |
| 10 – 15 | \$416.00 | \$0.20 |
| 15 – 20 | \$520.00 | \$0.25 |
| 20 – 25 | \$624.00 | \$0.30 |
| 25 – 30 | \$728.00 | \$0.35 |
| 30 – 35 | \$832.00 | \$0.40 |

Holiday: Added Juneteenth.

Contact NYSPELRA

NYSPELRA

Attn: Jack Kalinkewicz

jjkpersassoc@yahoo.com

Please let us know your thoughts and opinions of the NYSPELRA Newsletter.

In addition, you are encouraged to forward to Jack or to Elayne Gold [egold@rwgmlaw.com] any article, information from your municipality, agency, or school district relating to Arbitration Awards (grievance arbitration, discipline, etc.), Fact Findings, contract settlements, etc. for inclusion in future editions of our Newsletter.

Check our website for the latest NYSPELRA information: www.nyspelra.org