

Financial Restructuring Board for Local Governments

RESOLUTION No. 2013-02

APPROVING THE APPLICATION PROCEDURES FOR THE FINANCIAL
RESTRUCTURING BOARD FOR LOCAL GOVERNMENTS

WHEREAS, the Financial Restructuring Board for Local Governments ("the Board"), created pursuant to Chapter 67 of the Laws of 2013, is empowered by §160.05 of the Local Finance Law to, among other things, accept requests for Comprehensive Reviews and Binding Arbitration Determinations from municipalities; and

WHEREAS, for a Comprehensive Review, the Board requires certain information in order to determine if sufficient conditions exist to warrant acceptance of an application from a municipality by the Board; and

WHEREAS, for a Binding Arbitration Determination, the Board requires certain information from each of the public employer and the public employee organization in order to commence the analysis necessary to reach its determination;

NOW THEREFORE BE IT RESOLVED that the Board approves the application forms and requirements attached hereto in order to request a Comprehensive Review or Binding Arbitration Determination from the Board.

This resolution shall take effect immediately and remain in effect until modified, replaced, or repealed by resolution of the Board.

No. 2013-02

Dated: _____



Financial Restructuring Board

for Local Governments

Request a Comprehensive Review

Upon the request of a fiscally eligible municipality, by resolution of the governing body of such municipality with the concurrence of the chief executive of such municipality, the financial restructuring board for local governments may undertake a comprehensive review of the operations, finances, management practices, economic base and any other factors that in its sole discretion it deems relevant to be able to make findings and recommendations on reforming and restructuring the operations of the fiscally eligible municipality.

Local Finance Law §160.05 (3)

Overview

- Any county, city (except New York City), town, or village deemed a Fiscally Eligible Municipality by the Financial Restructuring Board for Local Governments may request, by resolution of its governing board with the concurrence of its chief executive, a Comprehensive Review from the Board.
- If the Board decides to undertake a Comprehensive Review of a municipality, it can request any information necessary to understand the municipality's finances and operations.
- Based on this information, the Board would make recommendations to that municipality on improving its fiscal stability, management, and the delivery of public services.
- As part of these recommendations, the Board could offer grants and/or loans of up to \$5 million through the Local Government Performance and Efficiency Program for undertaking certain recommendations.
- If the municipality agrees to undertake the Board's recommendations, it would be contractually bound to fulfill those terms in order to receive the grant and/or loan.
- A municipality that would like the Board to undertake a Comprehensive Review of its finances and operations should follow the instructions and complete the form below.

Please note that this form is only to be completed by an authorized municipal official after his or her governing board has adopted a resolution requesting a Comprehensive Review with the concurrence of the municipality's chief executive. All requests must include a resolution and written documentation of the chief executive's concurrence to be considered.

Fiscally Eligible Municipalities

A Fiscally Eligible Municipality is any county, city (except New York City), town, or village that the

Board determines would benefit from its services and assistance.

A municipality that has an average full value property tax rate above a certain level or an average fund balance percentage below a certain level is automatically considered a Fiscally Eligible Municipality. A list of all municipalities (PDF), their average full value property tax rate, their average fund balance percentage, and whether they are automatically considered a Fiscally Eligible Municipality is available.

If a municipality is not automatically considered a Fiscally Eligible Municipality but would like the Board to determine that it is one so that the Board can undertake a Comprehensive Review of the municipality, the municipality should include documentation on why it should be considered a Fiscally Eligible Municipality as part of the form below.

No municipality can be deemed a Fiscally Eligible Municipality unless it has fully reported the necessary information to OSC. The Board cannot undertake a Comprehensive Review of any municipality for whom OSC does not have sufficient information to calculate either the average full value property tax rate or the average fund balance percentage. A list of municipalities that have not reported this information (PDF) is available.

Board Recommendations

The Board may propose fiscal accountability measures, such as multi-year financial planning, and it may "identify cost-saving measures, recommend consolidation of functions or agencies within such municipality or between such municipality and other municipalities, consistent with existing law, identify and make available, to the extent otherwise permitted by law, grants and loans on such terms it deems appropriate, and make other such recommendations as the board may deem just and proper."

The Board will consult with the municipality prior to making its final recommendations. The Board may condition the acceptance of financial awards on the municipality agreeing to implement some or all of its recommendations. The recommendations will not be binding on the municipality unless it formally agrees to abide by and implement such recommendations.

Information Requested

The following requested information will provide a baseline for initial review by the Board. After receiving this information, the Board or staff to the Board may contact the municipality to request additional information. Any necessary additional information will vary depending on the specific circumstances of each municipality, and could include greater detail on revenue sources or expenditures, adopted budgets from prior years, debt service schedules, personnel records, investments and bond issuances, service contracts, technology investments, etc. The information will be used to develop findings and recommendations for restructuring the operations of the municipality.

Resolution

In order to request a Comprehensive Review from the Board, the governing board of a municipality must adopt a resolution asking the Board to undertake such review. The resolution must be submitted along with written documentation of the support of the municipality's chief executive.

Comprehensive Review Request Form

(Information submitted may be subject to Freedom of Information Law (FOIL) provisions)

* = Required Field.

General Information

*Name of Municipality:

*Select Type of Municipality:

*Select County:

Albany	
Allegany	⬇
Broome	
Cattaraugus	
Cayuga	

(If your Municipality is in more than one County, select both)

*Upload Requesting Resolution from the Municipality's Governing Body:

*Upload Written Concurrence of the Municipality's Chief Executive:

*Primary Municipal Contact (Name):

*Primary Municipal Contact (Title):

*Primary Municipal Contact (Address Line 1):

Primary Municipal Contact (Address Line 2):

*Primary Municipal Contact (City/Town):

*Primary Municipal Contact (State):

*Primary Municipal Contact (Zip Code):

*Primary Municipal Contact (Email):

*Primary Municipal Contact (Phone Number):

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Financial Information

*Upload Most Recently Adopted Budget:

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Upload Previous Year's Adopted Budget:

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*Upload Audited Financial Statements (most recent year available):

()

Additional guidance and description for submitting audited financial statements

*Upload Audited Financial Statements (2 years prior):

()

*Upload Audited Financial Statements (3 years prior):

()

Upload Multi-Year Financial Plan (if available):

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Additional guidance and description for submitting multi-year financial plans

For more information, see the multi-year financial plan guide and template published by the Office of the State Comptroller.

Upload Cash Flow Statement (if available):

()

Additional guidance and description for submitting cash flow statements

Cash Flow Statement Example (PDF)

Organizational Information

*Upload Organizational Chart and Summaries of Department Activities (including all position titles and salaries, a description of activities undertaken by each department, and number of FTEs by department for current and five most recent years):

()

Additional guidance and description for submitting organizational

charts and summaries of department activities.

Organizational Chart and Summaries of Department Activities Example (PDF)

***Upload Summary of Current Labor Agreements and the Status of Employee Health Insurance Contributions:**

[Redacted]

Additional guidance and description for submitting a summary of current labor agreements

Labor Agreements Example (PDF)

***Upload Most Recent Labor Agreements:**

[Redacted]

Additional guidance and description for submitting most recent labor agreements

Other Information

***Largest Property Taxpayers in Municipality:**

[Redacted]

Additional guidance and description for submitting the largest property taxpayers

Largest Property Taxpayers Example (PDF)

Major Area Employers in Municipality:

[Redacted]

Additional guidance and description for submitting the major area employers

Major Area Employers Example (PDF)

Any Other Relevant Economic, Fiscal, or Demographic Conditions Affecting Municipal Finances:

[Redacted]

***Description of Suggested Areas with the Most Potential for Restructuring or Streamlining:**

[Redacted]

Upload Description of Any Actions Already Completed or Underway

Toward Restructuring:

Upload Any Additional Information:

Municipalities Not Automatically Fiscally Eligible

If a municipality is not automatically a Fiscally Eligible Municipality, it must provide justification for why the Board should consider it a Fiscally Eligible Municipality.

Upload Justification Document:

Before you click the "Submit" button, please review your request to make sure that all required fields in this form contain entries. If a required field entry is missing when the form is submitted, all documents selected for upload will need to be re-selected.

Please be patient, your submission may take several minutes to complete.

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Governor Andrew M. Cuomo

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Document Submission - Additional Guidance and Descriptions

Audited Financial Statements

Provide a Comprehensive Annual Financial Report (CAFR). A CAFR is a thorough and detailed presentation of the local government entity's financial condition. It should report on the revenues, expenses, assets, liabilities, activities and balances for each fiscal year. If no CAFR is available, an independent financial audit or similar financial statements may be substituted.

Multi-Year Financial Plan

For the most recently adopted budget year, if available, provide a multi-year financial plan. A multi-year financial plan projects revenues and expenditures for several years into the future. It should illustrate what will happen to a local government's ability to pay for and provide services, given a set of policy and economic assumptions. These projections help policy makers assess expenditure commitments, revenue trends, financial risks and the affordability of new services and capital investments.

Cash Flow Statement

For the most recently adopted budget year, if available, provide a cash flow statement. A cash flow statement requires identifying expected revenues and expenditures, as well as, when they will occur during the fiscal year. It should also include an estimate of the amount of cash that will be available at the end of the previous fiscal year (Beginning Balance). A cash flow statement should be prepared at the same time as the general budget and be updated as actuals become available throughout the year. An example of a cash flow statement can be found on the Comprehensive Review Request Form.

Organizational Chart and Summaries of Departmental Activities

The preparation of an organizational chart should clearly demonstrate the lines of authority. An organizational chart generally starts with the local government's elected positions at the top followed by the various departments in the chain of command which they function. For each department, provide a summary of the activities, responsibilities and/or core functions. This should also include all position titles and salaries for the employees within each department as well as the number of FTEs for the current and five most recent years. An example of an organizational chart and a summary of department activities can be found on the Comprehensive Review Request Form.

Summary of Current Labor Agreements and the Status of Employee Health Insurance Contributions

For each public employee organization, provide the status of the labor agreement, the term of the most recent agreement, the number of employees and department covered, the salary increases and the status of health insurance contributions from employees. An

example of a chart summarizing labor agreements can be found on the Comprehensive Review Request Form.

Most Recent Labor Agreements

For each public employee organization, provide the detailed labor agreement.

Largest Property Taxpayers in Municipality

Provide a list of up to the top ten largest property taxpayers within the municipality. In descending order, provide the name of the taxpayer, the total assessed value of that taxpayer and what percentage of total assessed value that taxpayer represents within the municipality. Municipalities may also provide information on their largest tax exempt properties. An example of a table containing the largest property taxpayers can be found on the Comprehensive Review Request Form.

Major Area Employers

Provide a list of the top ten largest area employers within or near the municipality. In descending order, provide the name of the employer, the number of employees and what percentage of total employment each employer represents. An example of a table containing the largest area employers can be found on the Comprehensive Review Request Form.

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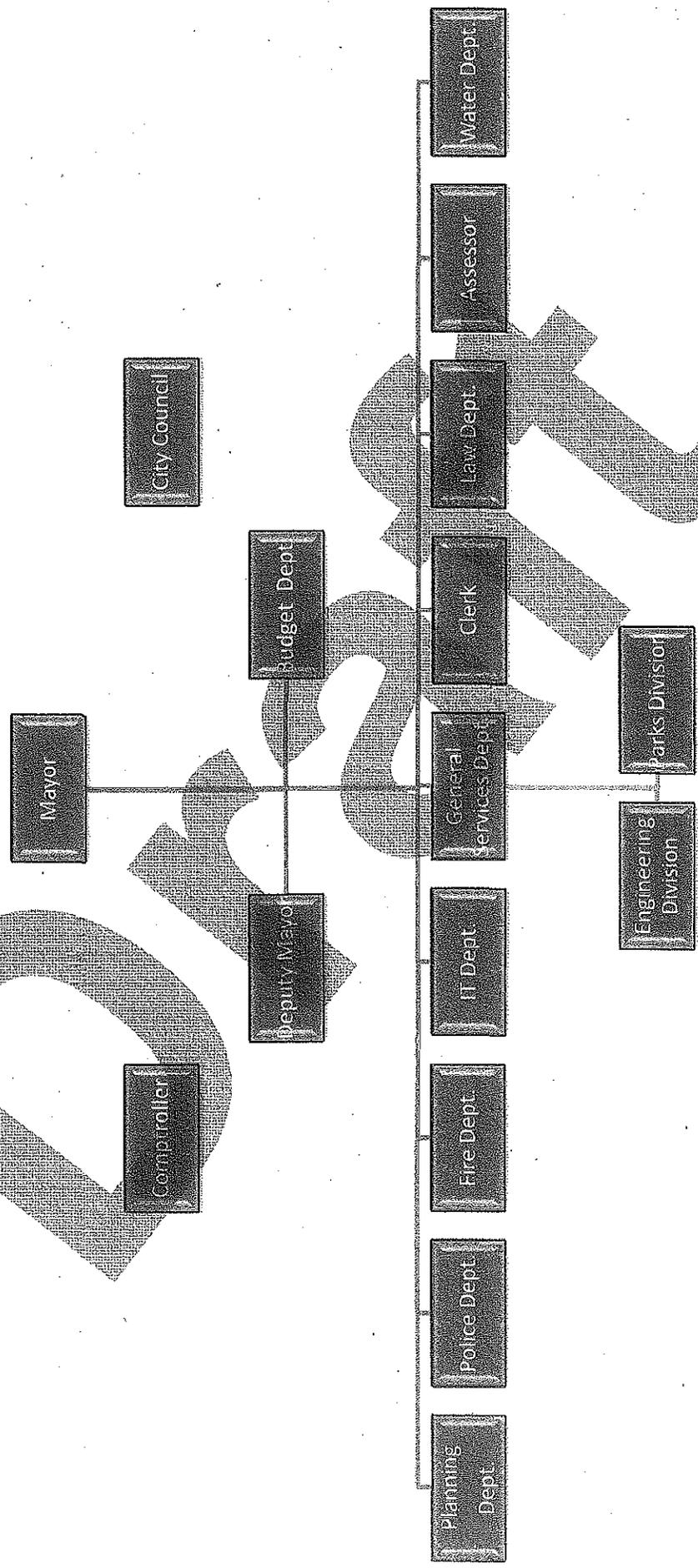
CITY OF ANYWHERE, NY
CASH FLOW ANALYSIS

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTALS
	<u>Projected</u>												
Beginning Balances starting 1/1/13	\$14,800,000	\$25,329,385	\$22,703,779	\$19,231,322	\$16,783,298	\$22,636,312	\$18,120,970	\$15,485,830	\$12,894,808	\$9,806,465	\$9,831,083	\$3,743,746	\$14,800,000
Add: General Cash Receipts 2013	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$974,000	\$11,688,000
<u>Add: Major Cash Receipts</u>													
City Property Tax	13,663,214	863,253	346,806	884,278	973,810	342,948	553,635	177,929	88,228	85,472	122,722	202,484	27,262,779
NYS AIM						486,473			999,705				14,819,772
Other State Aid										3,341,661			3,341,661
County Sales Tax	622,184	530,894	793,819	596,767	669,255	\$19,642	633,702	619,433	900,657	611,269	272,393	639,444	7,609,459
Hotel Occupancy Tax	423,150	359,616	530,597	480,200	604,315	475,824	556,892	990,985	737,502	365,585	609,631	992,452	7,096,849
Total Cash Receipts	\$15,882,548	\$2,727,763	\$2,645,222	\$2,905,345	\$11,879,380	\$3,098,887	\$2,718,229	\$2,762,347	\$3,700,092	\$5,377,987	\$1,978,746	\$16,141,974	\$71,818,520
Less: Accounts Payable (vendors)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(1,725,000)	(\$20,700,000)
Less: Payroll	(2,321,308)	(2,321,308)	(2,321,308)	(2,321,308)	(2,321,308)	(3,758,462)	(2,321,308)	(2,321,308)	(2,321,308)	(2,321,308)	(3,758,462)	(2,321,308)	(\$30,730,004)
Less: NYS Retirement													(6,845,324)
Less: Debt Service	(11,855)	(12,061)	(776,371)	(12,061)	(685,053)	(335,767)	(12,061)	(12,061)	(444,517)	(32,061)	(1,287,621)	(1,590,767)	(\$6,694,871)
Less: Health/Dental Insurance	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(1,295,000)	(\$15,540,000)
Total Cash Disbursements	(\$5,353,163)	(\$5,353,369)	(\$6,117,679)	(\$5,353,369)	(\$6,025,366)	(\$7,614,229)	(\$5,353,369)	(\$5,353,369)	(\$6,789,435)	(\$5,353,369)	(\$8,066,083)	(\$13,777,399)	(\$80,510,199)
Est. Available Monthly Cash Flow	\$25,329,385	\$22,703,779	\$19,231,322	\$16,783,298	\$22,636,312	\$18,120,970	\$15,485,830	\$12,894,808	\$9,806,465	\$9,831,083	\$3,743,746	\$6,108,321	\$6,108,321

ASSUMPTIONS: ALL REVENUES BUDGETED WILL BE COLLECTED

ASSUMPTIONS: ALL EXPENSES BUDGETED WILL BE SPENT

City of Anywhere, NY
Organizational Chart and Department
Summaries



BUDGET DEPARTMENT

{complete a similar summary for each department}

BUDGETED POSITIONS			
Employee Title	# of FTEs	Salary Per Employee	Total
Director	1	\$79,500	\$79,500
Assistant Director	1	\$62,500	\$62,500
Director of Administration & Finance	1	\$67,500	\$67,500
Operations Analyst	2	\$65,000	\$130,000
Supervisor of Administrative Services	1	\$45,000	\$45,000
Administrative Analyst	1	\$56,000	\$56,000
Secretary	1	\$37,500	\$37,500
Analyst	2	\$58,000	\$116,000
Management Trainee	1	\$55,000	\$55,000
Total	11		\$649,000

Year	Current	2012	2011	2010	2009	2008
# of FTEs	11	11	12	12	13	13

Department Activities:

- Prepares and administers the City's operating budget
- Prepares and administers the City's capital budget
- Develops the City's long-range fiscal plans
- Conducts studies of City departments to improve service delivery and cost effectiveness
- Sets standards of measurement and performance

Current Status of Labor Agreements: Executive Summary

Name of Public Employee Organization	Status of Labor Agreement	Terms of Most Recent Agreement	Number of Employees Covered (Department)	Salary Increases	Health Insurance Contributions
International Association of Firefighters, Local 7833	Expired	July 1, 2010 - June 30, 2012	125 (Fire Department)	1.5% on July 1, 2010 1.5% on July 1, 2011	No change from last contract (Employees contribute 10% of cost for individual coverage and 20% of cost for family coverage)
Police Benevolent Association	Current	July 1, 2012 - June 30, 2014	200 (Police Department)	0% on July 1, 2012 2% on July 1, 2013	Employee contribution for individual coverage increased from 10% of cost to 15% of cost, contribution for family coverage increased from 20% of cost to 25% of cost
Police Supervisors' Association	Expired	July 1, 2010 - June 30, 2012	25 (Police Department)	2% on July 1, 2010 2% on July 1, 2011	No change from last contract (Employees contribute 10% of cost for individual coverage and 20% of cost for family coverage)
Blue Collar Unit, AFSCME, AFL-CIO, Local 1022	Current	July 1, 2012 - June 30, 2015	90 (Department of General Services) 75 (Department of Recreation)	0% on July 1, 2012 2% on July 1, 2013 2% on July 1, 2014	Employee contribution increased from 10% of cost to 15% of cost, family coverage increased from 20% of cost to 25% of cost
International Brotherhood of Teamsters, Local 6073	Current	July 1, 2012 - June 30, 2015	30 (Department of Public Works)	0% on July 1, 2012 2% on July 1, 2013 2% on July 1, 2014	Employee contribution increased from 10% of cost to 15% of cost, family coverage increased from 20% of cost to 25% of cost

Largest Property Taxpayers in Town of Anytown

Rank	Taxpayer	Taxable Assessed Value	Percentage of Total Taxable Assessed Value
1	Taxpayer A	3,000,000	3.00%
2	Taxpayer B	2,950,000	2.95%
3	Taxpayer C	2,750,000	2.75%
4	Taxpayer D	2,650,000	2.65%
5	Taxpayer E	2,555,000	2.56%
6	Taxpayer F	2,450,000	2.45%
7	Taxpayer G	2,300,000	2.30%
8	Taxpayer H	2,250,000	2.25%
9	Taxpayer I	2,200,000	2.20%
10	Taxpayer J	2,100,000	2.10%

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Major Area Employers in Town of Anytown

Rank	Employer	Employees	Percentage of Total Employment
1	Employer A	2,000	4.00%
2	Employer B	1,850	3.70%
3	Employer C	1,650	3.30%
4	Employer D	1,550	3.10%
5	Employer E	1,455	2.91%
6	Employer F	1,350	2.70%
7	Employer G	1,200	2.40%
8	Employer H	1,150	2.30%
9	Employer I	1,000	2.00%
10	Employer J	1,000	2.00%

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Financial Restructuring Board

for Local Governments

Request Binding Arbitration – Municipality/Public Employer

[A] public employer that is a fiscally eligible municipality, as defined in section 160.05 of the local finance law, and is otherwise subject to subdivision four of this section, upon resolution of its governing body with the concurrence of its chief executive officer and a public employee organization subject to subdivision four of this section may, jointly stipulate and agree that an impasse exists, at any time, with respect to collective negotiations between the parties for a collective bargaining agreement and, in lieu of commencing a proceeding under subdivision four of this section, may jointly request that the financial restructuring board for local governments, established in section 160.05 of the local finance law, resolve such impasse.

Civil Service Law §209 (4-a) (a)

Please note that this form is only to be completed by authorized local government officials after their governing boards have adopted a resolution requesting binding arbitration with the concurrence of the municipality's chief executive and the public employee organization. Each request must include a resolution and written documentation of the chief executive's concurrence and the public employee organization's concurrence to be considered. Complete submission by each of the municipality and the public employee organization is necessary to commence the process.

Fiscally Eligible Municipalities

A Fiscally Eligible Municipality is any county, city (except New York City), town, or village that the Board determines would benefit from its services and assistance.

A municipality that has an average full value property tax rate above a certain level or an average fund balance percentage below a certain level is automatically considered a Fiscally Eligible Municipality. A [list of all municipalities](#) (PDF), their average full value property tax rate, their average fund balance percentage, and whether they are automatically considered a Fiscally Eligible Municipality is available.

If a municipality is not automatically considered a Fiscally Eligible Municipality but would like the Board to determine that it is one so that the Board can make a Binding Arbitration Determination for the municipality, the municipality should include documentation on why it should be considered a Fiscally Eligible Municipality as part of the form below.

No municipality can be deemed a Fiscally Eligible Municipality unless it has fully reported the necessary information to OSC. The Board cannot make a Binding Arbitration Determination for any municipality for whom OSC does not have sufficient information to calculate either the average full value property tax rate or the average fund balance percentage. A [list of municipalities that have](#)

not reported this information (PDF) is available.

Resolution

In order to request binding arbitration from the Board, the governing board of a municipality must adopt a resolution asking the Board to undertake such action. The resolution must be submitted along with written documentation of the support of the municipality's chief executive. In addition, the public employee organization must also submit its written documentation supporting the request for a Binding Arbitration Determination.

Binding Arbitration Request Form

(Information submitted may be subject to Freedom of Information Law (FOIL) provisions)

* = Required Field.

General Information

*Name of Municipality:

*Select Type of Municipality:

- Select - ▼

*Select County:

Albany	▲
Allegany	□
Broome	□
Cattaraugus	▼

(If your Municipality is in more than one County, select both)

*Name of Public Employee Organization involved in Arbitration:

*Upload Requesting Resolution from the Municipality's Governing Body

*Upload Written Concurrence of the Municipality's Chief Executive:

*Primary Municipal Contact (Name):

*Primary Municipal Contact (Title):

*Primary Municipal Contact (Address Line 1):

Primary Municipal Contact (Address Line 2):

*Primary Municipal Contact (City/Town):

*Primary Municipal Contact (State):

New York

*Primary Municipal Contact (Zip Code):

*Primary Municipal Contact (Email):

*Primary Municipal Contact (Phone Number: Area Code)

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If a municipality is not automatically a Fiscally Eligible Municipality, it must provide justification for why the Board should consider it a Fiscally Eligible Municipality.

Upload Justification Document:

*Upload Municipality's Most Recently Adopted Budget:

*Upload Municipality's Most Recent Collective Bargaining Agreements with Other Employee Organizations:

Upload All of the Following, as Applicable, as One Combined Document (if size permits) or Separate:

Your Petition for Arbitration:

Your Response to Petition for Arbitration:

Any improper Practice Charges You Filed Containing Objection to Arbitrability of Demands of Other Side:

Any Answer You filed to improper Practice Charges Containing Objection to Arbitrability of Demands Made By Your Side:

Other Information

*Upload All Collective Bargaining Agreements and Interest Arbitration Awards concerning this Public Employee Organization:

Upload a Document Containing Any Potential Witnesses and Subject Matters They Would Testify To:

Before you click the "Submit" button, please review your request to make sure that all required fields in this form contain entries. If a required field entry is missing when the form is submitted, all documents selected for upload will need to be re-selected.

Please be patient, your submission may take several minutes to complete.

*Indicates required field

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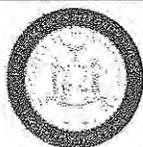


Governor Andrew M. Cuomo

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Financial Restructuring Board

for Local Governments

Request Binding Arbitration - Public Employee Organizations

[A] public employer that is a fiscally eligible municipality, as defined in section 160.05 of the local finance law, and is otherwise subject to subdivision four of this section, upon resolution of its governing body with the concurrence of its chief executive officer, and a public employee organization subject to subdivision four of this section may, jointly, stipulate and agree that an impasse exists, at any time, with respect to collective negotiations between the parties for a collective bargaining agreement and, in lieu of commencing a proceeding under subdivision four of this section, may jointly request that the financial restructuring board for local governments, established in section 160.05 of the local finance law, resolve such impasse.

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Binding Arbitration Request Form

(Information submitted may be subject to Freedom of Information Law (FOIL) provisions)

* = Required Field.

General Information

*Name of Municipality: _____

*Select Type of Municipality:

- Select -

*Select County:

Albany
Allegany
Broome
Cattaraugus

(If your Municipality is in more than one County, select both)

*Name of Public Employee Organization involved in Arbitration:

*Primary Public Employee Organization Contact (Name):

*Primary Public Employee Organization Contact (Title):

*Primary Public Employee Organization Contact (Address Line 1):

Primary Public Employee Organization Contact (Address Line 2):

*Primary Public Employee Organization Contact (City/Town):

*Primary Public Employee Organization Contact (State):

New York

*Primary Public Employee Organization Contact (Zip Code):

*Primary Public Employee Organization Contact (Email):

*Primary Public Employee Organization Contact (Phone Number):

() *ext

*Upload Written Concurrence of the Public Employee Organization:

Upload All of the Following, as Applicable, as One Combined Document (if size permits) or Separate:

Your Petition for Arbitration:

Your Response to Petition for Arbitration:

Any improper Practice Charges You Filed Containing Objection to Arbitrability of Demands of Other Side:

Any Answer You filed to improper Practice Charges Containing Objection to Arbitrability of Demands Made By Your Side:

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