The New York State School Boards Association opposes the above referenced legislation and urges your negative vote.

Some school districts do not run their own transportation services and instead enter into contracts with private sector providers. When districts provide their own transportation, the drivers and other staff are district employees, but when they contract out, the staff of the third-party contractor appropriately remains staff of the vendor and are not public sector employees. If enacted, this legislation would require districts abide by any due process or disciplinary procedures of the collective bargaining agreement of that transportation company.

School districts should not be constrained by collective bargaining agreements they are not party to. Their relationship is not with the employees of the transportation company, but rather the company itself, through their contractual agreement. If it is a priority for private sector employee organizations to see certain provisions regarding employee discipline included in contracts between their employers and the company’s customers, that should be addressed by being included in their collective bargaining agreement. That requirement should further be disclosed during the procurement process, before a school district enters into a contract with that transportation company. This would give the district the ability to decline to do business with the company if the provisions are too burdensome or negotiate other concessions between the school district and the provider. As drafted, this requirement would take effect immediately and therefore apply to existing school district contracts with vendors. School districts have had no ability to weigh in on these provisions and should not be forced to adhere to them in the midst of an existing contract.

For these reasons, NYSSBA opposes this legislation and urges your negative vote. For additional information please contact NYSSBA Governmental Relations at 518-783-0200.