

STATE OF NEW YORK

1513

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the civil service law, in relation to safe staffing for public employees of institutional settings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. It is in the interest and the responsi-
2 bility of the state and local governments to provide for a safe, stable
3 and humane environment for residents and staff of the custodial facili-
4 ties within the state of New York. The maintenance of order, security,
5 safety and care for all in custodial facilities currently falls upon a
6 workforce stretched beyond its limits. Recruitment and retention of
7 staff is at a crisis at all levels and in all facilities within the
8 state. Double and triple shifts are the norm, creating unsafe conditions
9 for residents and staff. Therefore, it is in the interest of the state
10 to set maximum overtime levels to ensure staff safety and a humane envi-
11 ronment for residents of custodial facilities.

12 § 2. The civil service law is amended by adding a new section 137 to
13 read as follows:

14 § 137. Safe staffing for public employees of institutional settings.

15 1. This section shall apply to and cover the following facilities:

16 (a) Correctional facilities, as defined by subdivision four of section
17 two of the correction law.

18 (b) Local correctional facilities, as defined by subdivision sixteen
19 of section two of the correction law.

20 (c) Facilities regulated by the office of mental health pursuant to
21 section 7.17 of the mental hygiene law.

22 (d) Juvenile offender and adolescent offender facilities pursuant to
23 section five hundred eight of the executive law.

24 (e) Facilities regulated by the office for people with developmental
25 disabilities pursuant to title fourteen of the New York codes, rules and
26 regulations.

27 2. (a) Except during a declared state of emergency, defined as the
28 event of riots, prison breaks or other similar emergencies, or with

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 twenty-four hour notice to the head of the facility's collective
2 bargaining unit, a facility shall not mandate or otherwise require,
3 directly or indirectly, an employee to work or be on duty in excess of
4 any one of the following:

5 (i) The scheduled work shift or duty period;

6 (ii) Seventeen hours in a twenty-four hour period, including time for
7 meal breaks; or

8 (iii) Eighty hours in a consecutive fourteen-day period.

9 (b) For purposes of this subdivision, "mandate" means any request
10 which, if refused or declined by the employee, may result in discharge,
11 discipline, loss of promotion, or other adverse employment consequence.
12 Nothing in this section is intended to prohibit an employee from volun-
13 tarily working overtime.

14 (c) Except during a declared state of emergency, as defined in para-
15 graph (a) of this subdivision:

16 (i) No employee shall work or be on duty more than seventeen hours in
17 any twenty-four hour period.

18 (ii) Any employee working seventeen hours in any twenty-four hour
19 period must have at least eight consecutive hours off duty before being
20 required to return to duty.

21 (iii) No employee shall be required to work or be on duty more than
22 seven consecutive days without at least one consecutive twenty-four hour
23 period off duty within that time.

24 3. A work shift schedule or overtime program established pursuant to a
25 collective bargaining agreement negotiated on behalf of the healthcare
26 employees by a bona fide labor organization may provide for mandatory
27 on-duty hours in excess of that permitted under this section, provided
28 adequate measures are included in the agreement to ensure against exces-
29 sive fatigue on the part of the affected employees.

30 4. The administrators of a facility covered under this section shall
31 file a report on a quarterly basis to the executive officer, legislative
32 body of the political subdivision of such facility and the head of such
33 facility's collective bargaining units, who shall, upon review, make
34 such reports available to the public on the facility's or governing
35 agency's website. Such quarterly report shall include the following:

36 (a) Information on current staffing levels by position or title;

37 (b) Staff resignations and retirements;

38 (c) Number of full-time equivalent positions that have been budgeted
39 for;

40 (d) Waiting lists for individuals eligible to receive care in a resi-
41 dential setting;

42 (e) Steps taken to recruit staff for new or vacant positions;

43 (f) Assaults and injuries to staff, including but not limited to sexu-
44 al assaults; and staff on medically monitored or indefinite sick leave;
45 and

46 (g) Additional information for correctional facilities, including
47 classification of incarcerated individuals by facility and information
48 on manned posts, permanent facility posts, and temporary posts.

49 5. The provisions of this section are intended as a remedial measure
50 to ensure staff safety and a humane environment for residents of custo-
51 dial facilities, and shall not be construed to diminish or waive any
52 rights of any employee pursuant to any other law, regulation, or collec-
53 tive bargaining agreement.

54 § 3. This act shall take effect on the sixtieth day after it shall
55 have become a law.