

5901

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. P. RIVERA, DESTITO, LUPARDO, SCHROEDER -- Multi-Sponsored by -- M. of A. QUINN -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to significant service reductions at facilities of the office of mental retardation and developmental disabilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 13.17 of the mental hygiene law is amended by
2 adding a new subdivision (e) to read as follows:
3 (E) IN THE EVENT THAT THE PLAN FOR STATE AND LOCAL SERVICES FOR CITI-
4 ZENS WITH MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, DEVELOPED
5 IN ACCORDANCE WITH SECTION 13.07 OF THIS ARTICLE, DETERMINES THAT
6 SIGNIFICANT SERVICE REDUCTIONS ARE ANTICIPATED FOR A PARTICULAR
7 STATE-OPERATED FACILITY OR A STATE-OPERATED RESEARCH INSTITUTE, THE
8 COMMISSIONER SHALL TAKE THE FOLLOWING ACTIONS, PROVIDED NOTHING IN THIS
9 SUBDIVISION SHALL CREATE A BASIS FOR ENJOINING ANY OTHERWISE LAWFUL
10 SERVICE REDUCTIONS:
11 1. CONFER WITH THE DEPARTMENT OF CIVIL SERVICE, THE GOVERNOR'S OFFICE
12 OF EMPLOYEE RELATIONS AND ANY OTHER STATE AGENCY TO DEVELOP STRATEGIES
13 WHICH ATTEMPT TO MINIMIZE THE IMPACT ON THE STATE WORKFORCE BY PROVIDING
14 ASSISTANCE IN OBTAINING STATE EMPLOYMENT IN STATE-OPERATED
15 COMMUNITY-BASED SERVICES OR OTHER EMPLOYMENT OPPORTUNITIES, AND TO
16 DEVELOP STRATEGIES FOR THE DEVELOPMENT OF NECESSARY RETRAINING AND REDE-
17 PLOYMENT PROGRAMS. IN PLANNING SUCH STRATEGIES, THE COMMISSIONER SHALL
18 PROVIDE FOR THE PARTICIPATION OF THE REPRESENTATIVES OF THE PUBLIC
19 EMPLOYEE LABOR ORGANIZATIONS AND FOR THE PARTICIPATION OF MANAGERIAL AND
20 CONFIDENTIAL EMPLOYEES TO ENSURE CONTINUITY OF EMPLOYMENT;
21 2. CONSULT WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND ANY OTHER
22 APPROPRIATE STATE AGENCIES TO DEVELOP STRATEGIES WHICH ATTEMPT TO MINI-

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

LBD02547-01-9

1 MIZE THE IMPACT OF SUCH SIGNIFICANT SERVICE REDUCTIONS ON THE LOCAL AND
2 REGIONAL ECONOMIES;

3 3. PROVIDE FOR A MECHANISM WHICH MAY REASONABLY BE EXPECTED TO PROVIDE
4 NOTICE TO LOCAL GOVERNMENTS, COMMUNITY ORGANIZATIONS, PUBLIC EMPLOYEE
5 LABOR ORGANIZATIONS, MANAGERIAL AND CONFIDENTIAL EMPLOYEES, CONSUMER AND
6 ADVOCACY GROUPS OF THE POTENTIAL FOR SIGNIFICANT SERVICE REDUCTIONS AT
7 SUCH STATE-OPERATED FACILITIES OR PROGRAMS AND STATE-OPERATED RESEARCH
8 INSTITUTE AT LEAST TWELVE MONTHS PRIOR TO COMMENCING SUCH SERVICE
9 REDUCTION; AND

10 4. CONSULT WITH THE OFFICE OF GENERAL SERVICES AND ANY OTHER APPROPRI-
11 ATE STATE AGENCY IN DEVELOPING A MECHANISM FOR DETERMINING ALTERNATIVE
12 USES FOR LAND AND BUILDINGS TO BE VACATED BY THE OFFICE. SUCH A MECH-
13 ANISM SHOULD INCLUDE A REVIEW OF OTHER PROGRAMS OR STATE AGENCIES THAT
14 COULD FEASIBLY EXPAND THEIR OPERATIONS ONTO A STATE-OPERATED CAMPUS AND
15 ARE COMPATIBLE WITH THE HEALTH, SAFETY AND PROGRAMMATIC NEEDS OF PERSONS
16 SERVED IN SUCH FACILITIES.

17 S 2. This act shall take effect immediately.