

1303

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to hazardous duty differentials

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

1 Section 1. Paragraph (a) of subdivision 9 of section 130 of the civil
2 service law, as added by chapter 505 of the laws of 1986 and such subdivi-
3 sion as renumbered by chapter 582 of the laws of 1988, is amended to
4 read as follows:
5 (a) Where, and to the extent that, an agreement between the state and
6 an employee organization entered into pursuant to article fourteen of
7 this chapter so provide, on behalf of employees serving in positions in
8 a collective negotiating unit represented by such employee organization,
9 and for employees designated managerial or confidential pursuant to
10 article fourteen of this chapter and civilian state employees of the
11 division of military and naval affairs of the executive department whose
12 positions are not in, or are excluded from representation rights in, any
13 recognized or certified negotiating unit, whenever the director deter-
14 mines that an employee who is serving in a position at a particular work
15 location or as a result of a temporary work assignment is exposed to an
16 unavoidable, clear and direct risk and hazard to safety and health, the
17 director may, subject to the approval of the director of the budget,
18 authorize a hazardous duty differential for the employee assigned to
19 such position or temporary work assignment. Except for such managerial
20 or confidential employees and such civilian state employees of the divi-
21 sion of military and naval affairs whose positions are not in, or are
22 excluded from representation rights in, any recognized or certified
23 negotiating unit, such differentials determined by the director during
24 the term of such agreement shall only be payable from an amount which is
25 collectively negotiated for such purposes pursuant to the terms of such

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

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1 an agreement between the state and an employee organization representing
2 such employees; thereafter such differentials shall continue for those
3 employees assigned to such position or temporary work assignment unless
4 terminated or revoked in accordance with paragraph (b) of this subdivi-
5 sion. FOR THE PURPOSES OF THE DIFFERENTIAL AUTHORIZED PURSUANT TO THIS
6 SUBDIVISION, EMPLOYEES ASSIGNED TO WORK IN SHOCK INCARCERATION FACILI-
7 TIES AND OTHER EMPLOYEES IN FACILITIES OR WORK RELEASE PROGRAMS OPERATED
8 BY THE DEPARTMENT OF CORRECTIONAL SERVICES WHOSE REGULAR WORK ASSIGNMENT
9 INVOLVES SUBSTANTIAL DIRECT CONTACT WITH INMATES SHALL RECEIVE THE SAME
10 DIFFERENTIAL AS THAT PROVIDED FOR THOSE EMPLOYEES OF MEDIUM SECURITY
11 FACILITIES WHO RECEIVE A HAZARDOUS DUTY DIFFERENTIAL.

12 S 2. This act shall take effect on the ninetieth day after it shall
13 have become a law.