

S T A T E O F N E W Y O R K

3038--A

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sens. VOLKER, STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to resolution of disputes which reach an impasse in the course of collective negotiations between the Niagara Frontier transportation authority and its police officers and aircraft rescue firefighters

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

1 Section 1. Subdivision 2 of section 209 of the civil service law, as
2 amended by section 1 of chapter 234 of the laws of 2008, is amended to
3 read as follows:
4 2. Public employers are hereby empowered to enter into written agree-
5 ments with recognized or certified employee organizations setting forth
6 procedures to be invoked in the event of disputes which reach an impasse
7 in the course of collective negotiations. Such agreements may include
8 the undertaking by each party to submit unresolved issues to impartial
9 arbitration. In the absence or upon the failure of such procedures,
10 public employers and employee organizations may request the board to
11 render assistance as provided in this section, or the board may render
12 such assistance on its own motion, as provided in subdivision three of
13 this section, or, in regard to AIRCRAFT RESCUE FIREFIGHTERS OF THE
14 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, officers or members of any
15 organized fire department, or any unit of the public employer which
16 previously was a part of an organized fire department whose primary
17 mission includes the prevention and control of aircraft fires, police
18 force or police department of any county, city, town, village or fire or
19 police district, or detective-investigators, or rackets investigators
20 employed in the office of a district attorney of a county, or in regard
21 to any organized unit of troopers, commissioned or noncommissioned offi-

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

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1 cers of the division of state police, or in regard to investigators,
2 senior investigators and investigator specialists of the division of
3 state police, or in regard to members of collective negotiating units
4 designated as security services and security supervisors who are police
5 officers, who are forest ranger captains or who are employed by the
6 state department of correctional services and are designated as peace
7 officers pursuant to subdivision twenty-five of section 2.10 of the
8 criminal procedure law, or in regard to members of the collective nego-
9 tiating unit designated as the agency law enforcement services unit who
10 are police officers pursuant to subdivision thirty-four of section 1.20
11 of the criminal procedure law or who are forest rangers, or in regard to
12 organized units of deputy sheriffs who are engaged directly in criminal
13 law enforcement activities that aggregate more than fifty per centum of
14 their service as certified by the county sheriff and are police officers
15 pursuant to subdivision thirty-four of section 1.20 of the criminal
16 procedure law as certified by the municipal police training council or
17 Suffolk county correction officers [or], Suffolk county park police, OR
18 IN REGARD TO OFFICERS OR MEMBERS OF AN ORGANIZED POLICE FORCE OF THE
19 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, as provided in subdivision
20 four of this section.

21 S 2. Subdivision 2 of section 209 of the civil service law, as amended
22 by section 2 of chapter 234 of the laws of 2008, is amended to read as
23 follows:

24 2. Public employers are hereby empowered to enter into written agree-
25 ments with recognized or certified employee organizations setting forth
26 procedures to be invoked in the event of disputes which reach an impasse
27 in the course of collective negotiations. Such agreements may include
28 the undertaking by each party to submit unresolved issues to impartial
29 arbitration. In the absence or upon the failure of such procedures,
30 public employers and employee organizations may request the board to
31 render assistance as provided in this section, or the board may render
32 such assistance on its own motion, as provided in subdivision three of
33 this section, or, in regard to AIRCRAFT RESCUE FIREFIGHTERS OF THE
34 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, officers or members of any
35 organized fire department, or any unit of the public employer which
36 previously was a part of an organized fire department whose primary
37 mission includes the prevention and control of aircraft fires, police
38 force or police department of any county, city, except the city of New
39 York, town, village or fire or police district, or in regard to organ-
40 ized units of deputy sheriffs who are engaged directly in criminal law
41 enforcement activities that aggregate more than fifty per centum of
42 their service as certified by the county sheriff and are police officers
43 pursuant to subdivision thirty-four of section 1.20 of the criminal
44 procedure law as certified by the municipal police training council or
45 Suffolk county correction officers or Suffolk county park police, OR IN
46 REGARD TO OFFICERS OR MEMBERS OF AN ORGANIZED POLICE FORCE OF THE
47 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, as provided in subdivision
48 four of this section.

49 S 3. The opening paragraph of subdivision 4 of section 209 of the
50 civil service law, as amended by chapter 234 of the laws of 2008, is
51 amended to read as follows:

52 On request of either party or upon its own motion, as provided in
53 subdivision two of this section, and in the event the board determines
54 that an impasse exists in collective negotiations between such employee
55 organization and a public employer as to the conditions of employment of
56 AIRCRAFT RESCUE FIREFIGHTERS OF THE NIAGARA FRONTIER TRANSPORTATION

1 AUTHORITY, officers or members of any organized fire department, or any
2 other unit of the public employer which previously was a part of an
3 organized fire department whose primary mission includes the prevention
4 and control of aircraft fires, police force or police department of any
5 county, city, town, village or fire or police district, and detective-
6 investigators, criminal investigators or rackets investigators employed
7 in the office of a district attorney, or as to the conditions of employ-
8 ment of members of any organized unit of troopers, commissioned or
9 noncommissioned officers of the division of state police or as to the
10 conditions of employment of members of any organized unit of investi-
11 gators, senior investigators and investigator specialists of the divi-
12 sion of state police, or as to the terms and conditions of employment of
13 members of collective negotiating units designated as security services
14 and security supervisors, who are police officers, who are forest ranger
15 captains or who are employed by the state department of correctional
16 services and are designated as peace officers pursuant to subdivision
17 twenty-five of section 2.10 of the criminal procedure law, or in regard
18 to members of the collective negotiating unit designated as the agency
19 law enforcement services unit who are police officers pursuant to subdivi-
20 sion thirty-four of section 1.20 of the criminal procedure law or who
21 are forest rangers, or as to the conditions of employment of any organ-
22 ized unit of deputy sheriffs who are engaged directly in criminal law
23 enforcement activities that aggregate more than fifty per centum of
24 their service as certified by the county sheriff and are police officers
25 pursuant to subdivision thirty-four of section 1.20 of the criminal
26 procedure law as certified by the municipal police training council or
27 Suffolk county correction officers or Suffolk county park police, OR IN
28 REGARD TO OFFICERS OR MEMBERS OF AN ORGANIZED POLICE FORCE OF THE
29 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the board shall render
30 assistance as follows:

31 S 4. Subdivision 4 of section 209 of the civil service law is amended
32 by adding a new paragraph (j) to read as follows:

33 (J) WITH REGARD TO AIRCRAFT RESCUE FIREFIGHTERS OF THE NIAGARA FRON-
34 TIER TRANSPORTATION AUTHORITY OR OFFICERS OR MEMBERS OF AN ORGANIZED
35 POLICE FORCE OF THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY, THE
36 PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO THE TERMS OF COLLECTIVE
37 BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION, INCLUDING BUT
38 NOT LIMITED TO, SALARY, STIPENDS, LOCATION PAY, INSURANCE, MEDICAL AND
39 HOSPITALIZATION BENEFITS; AND SHALL NOT APPLY TO NON-COMPENSATION ISSUES
40 INCLUDING, BUT NOT LIMITED TO, JOB SECURITY, DISCIPLINARY PROCEDURES AND
41 ACTIONS, DEPLOYMENT OR SCHEDULING, OR ISSUES RELATING TO ELIGIBILITY FOR
42 OVERTIME COMPENSATION, WHICH SHALL BE GOVERNED BY OTHER PROVISIONS
43 PRESCRIBED BY LAW.

44 S 5. This act shall take effect immediately, provided, however, that
45 the amendments to subdivision 2 of section 209 of the civil service law
46 made by section one of this act shall be subject to the expiration and
47 reversion of such subdivision pursuant to section 3 of chapter 485 of
48 the laws of 1990, as amended, when upon such date the provisions of
49 section two of this act shall take effect; and provided further that the
50 amendments to subdivision 4 of section 209 of the civil service law,
51 made by sections three and four of this act, shall not affect the expi-
52 ration of such subdivision pursuant to paragraph (d) of such subdivision
53 and shall be deemed to expire therewith.