

3041

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

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 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-
22 cers of the division of state police, or in regard to investigators,

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

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

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

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

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

47 On request of either party or upon its own motion, as provided in
48 subdivision two of this section, and in the event the board determines
49 that an impasse exists in collective negotiations between such employee
50 organization and a public employer as to the conditions of employment of
51 AIRCRAFT RESCUE FIREFIGHTERS OF THE NIAGARA FRONTIER TRANSPORTATION
52 AUTHORITY, officers or members of any organized fire department, or any
53 other unit of the public employer which previously was a part of an
54 organized fire department whose primary mission includes the prevention
55 and control of aircraft fires, police force or police department of any
56 county, city, town, village or fire or police district, and detective-

1 investigators, criminal investigators or rackets investigators employed
2 in the office of a district attorney, or as to the conditions of employ-
3 ment of members of any organized unit of troopers, commissioned or
4 noncommissioned officers of the division of state police or as to the
5 conditions of employment of members of any organized unit of investi-
6 gators, senior investigators and investigator specialists of the divi-
7 sion of state police, or as to the terms and conditions of employment of
8 members of collective negotiating units designated as security services
9 and security supervisors, who are police officers, who are forest ranger
10 captains or who are employed by the state department of correctional
11 services and are designated as peace officers pursuant to subdivision
12 twenty-five of section 2.10 of the criminal procedure law, or in regard
13 to members of the collective negotiating unit designated as the agency
14 law enforcement services unit who are police officers pursuant to subdivi-
15 sion thirty-four of section 1.20 of the criminal procedure law or who
16 are forest rangers, or as to the conditions of employment of any organ-
17 ized unit of deputy sheriffs who are engaged directly in criminal law
18 enforcement activities that aggregate more than fifty per centum of
19 their service as certified by the county sheriff and are police officers
20 pursuant to subdivision thirty-four of section 1.20 of the criminal
21 procedure law as certified by the municipal police training council or
22 Suffolk county correction officers or Suffolk county park police, the
23 board shall render assistance as follows:

24 S 4. This act shall take effect immediately; provided, however, that
25 the amendments to subdivision 2 of section 209 of the civil service law
26 made by section one of this act shall be subject to the expiration and
27 reversion of such subdivision pursuant to section 3 of chapter 485 of
28 the laws of 1990, as amended, when upon such date the provisions of
29 section two of this act shall take effect; and the amendments to the
30 opening paragraph of subdivision 4 of section 209 of the civil service
31 law made by section three of this act shall not affect the expiration of
32 such subdivision and shall be deemed to expire therewith.