

11198

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. GIGLIO -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to establishment of a staffing plan for all uniformed and non-uniformed employees at correctional facilities

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

1 Section 1. Section 112 of the correction law, as amended by chapter
2 476 of the laws of 1970, is amended to read as follows:
3 S 112. Powers and duties of commissioner [of correction] relating to
4 correctional facilities. 1. The commissioner [of correction] shall have
5 the superintendence, management and control of the correctional facili-
6 ties in the department and of the inmates confined therein, and of all
7 matters relating to the government, discipline, policing, contracts and
8 fiscal concerns thereof. HE OR SHE SHALL HAVE THE RESPONSIBILITY TO
9 ENSURE THAT ADEQUATE STAFFING EXISTS AT EVERY CORRECTIONAL FACILITY
10 PURSUANT TO SUBDIVISION TWO OF THIS SECTION. He OR SHE shall have the
11 power and it shall be his OR HER duty to inquire into all matters
12 connected with said correctional facilities. He OR SHE shall make such
13 rules and regulations, not in conflict with the statutes of this state,
14 for the government of the officers and other employees of the department
15 assigned to said facilities, and in regard to the duties to be performed
16 by them, and for the government and discipline of each correctional
17 facility, as he OR SHE may deem proper, and shall cause such rules and
18 regulations to be recorded by the superintendent of the facility, and a
19 copy thereof to be furnished to each employee assigned to the facility.
20 He OR SHE shall also prescribe a system of accounts and records to be
21 kept at each correctional facility, which system shall be uniform at all
22 of said facilities, and he OR SHE shall also make rules and regulations
23 for a record of photographs and other means of identifying each inmate
24 received into said facilities. He OR SHE shall appoint and remove,
25 subject to the civil service law [and rules], subordinate officers and
26 other employees of the department who are assigned to correctional
27 facilities.

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

LBD17458-01-0

1 2. THE COMMISSIONER SHALL ESTABLISH A STAFFING PLAN FOR ALL UNIFORMED
2 AND NON-UNIFORMED EMPLOYEES. WITH REGARD TO UNIFORMED STAFF, THE COMMIS-
3 SIONER SHALL ESTABLISH A STAFFING PLAN WHICH SHALL INCLUDE, BUT NOT BE
4 LIMITED TO, THE NUMBER OF TOTAL SECURITY POSTS THAT MUST BE STAFFED BY
5 CORRECTION OFFICERS AND CORRECTIONAL SERGEANTS BY CORRECTIONAL FACILITY.
6 THESE POSTS SHALL BE DELINEATED BY THOSE THAT ARE NECESSARY FIVE DAYS
7 PER WEEK AND SEVEN DAYS PER WEEK. THE STAFFING PLAN SHALL REQUIRE THAT
8 EVERY POST BE STAFFED USING A RATION OF 1.8 CORRECTION OFFICERS FOR
9 EVERY SEVEN DAY POST AND A RATIO OF 1.25 CORRECTION OFFICERS FOR EACH
10 FIVE DAY POST. THE COMMISSIONER SHALL PROVIDE A COPY OF SUCH STAFFING
11 PLAN TO THE CHAIRS OF THE SENATE FINANCE, SENATE CRIME VICTIMS, CRIME
12 AND CORRECTION, ASSEMBLY WAYS AND MEANS AND ASSEMBLY CORRECTION COMMIT-
13 TEES BY DECEMBER THIRTY-FIRST OF EACH YEAR. SUCH REPORT SHALL ALSO
14 PROVIDE DETAILED INFORMATION REGARDING HOW THE STAFFING PLAN WAS IMPLE-
15 MENTED DURING THE CURRENT FISCAL YEAR. THIS INFORMATION SHALL INCLUDE:
16 (A) THE NUMBER OF CORRECTION OFFICERS AND SERGEANTS BY CORRECTIONAL
17 FACILITY THAT THE STAFFING PLAN REQUIRED AS WELL AS THE ACTUAL NUMBER OF
18 CORRECTION OFFICERS AND SERGEANTS THAT WERE AVAILABLE BY CORRECTIONAL
19 FACILITY DURING THE CURRENT FISCAL YEAR. IN THE EVENT THE DEPARTMENT
20 DEVIATED FROM THE STAFFING PLAN, THE COMMISSIONER SHALL PROVIDE DETAILS
21 ON WHY THE STAFFING PLAN WAS NOT IMPLEMENTED AS REQUIRED PURSUANT TO
22 THIS SECTION; (B) THE NUMBER OF POSTS INCLUDED IN THE STAFFING PLAN FOR
23 EACH FACILITY THAT HAVE BEEN CLOSED ON A DAILY BASIS, BY CORRECTIONAL
24 FACILITY SECURITY CLASSIFICATION (MINIMUM, MEDIUM AND MAXIMUM); (C) THE
25 NUMBER OF SECURITY POSITIONS NOT FILLED AND THOSE ELIMINATED, BY CORREC-
26 TIONAL FACILITY SINCE TWO THOUSAND ONE COMPARED TO THE NUMBER OF INMATES
27 INCARCERATED IN EACH SUCH FACILITY; AND (D) A BREAKDOWN BY CORRECTIONAL
28 FACILITY SECURITY CLASSIFICATION (MINIMUM, MEDIUM, AND MAXIMUM) OF THE
29 STAFF HOURS OF OVERTIME WORKED, BY YEAR SINCE TWO THOUSAND ONE AND THE
30 ANNUAL AGGREGATE COSTS RELATED TO THIS OVERTIME. IN ADDITION, SUCH
31 REPORT SHALL BE DELINEATED BY CORRECTIONAL FACILITY SECURITY CLASSIFICA-
32 TION, THE ANNUAL NUMBER OF SECURITY POSITIONS ELIMINATED, THE NUMBER OF
33 CLOSED POSTS AND AMOUNT OF STAFF HOURS OF OVERTIME ACCRUED AS WELL AS
34 THE OVERALL OVERTIME EXPENDITURES WHICH RESULTED.

35 3. The commissioner [of correction] may require reports from the
36 superintendent or any other officer or employee of the department
37 assigned to any correctional facility in relation to his OR HER conduct
38 as such officer or employee, and shall have the power to inquire into
39 any improper conduct which may be alleged to have been committed by any
40 person at any correctional facility, and for that purpose to issue
41 subpoenas to compel the attendance of witnesses, and the production
42 before him OR HER of books, writings and papers. A subpoena issued under
43 this section shall be regulated by the civil practice law and rules. The
44 commissioner of correction is authorized and empowered to lease the
45 railroad, constructed under and by the authority of the laws of eighteen
46 hundred [and] seventy-eight, chapter one hundred [and] forty-eight, for
47 such term of years and upon such terms and conditions as shall be
48 approved of, in writing, by the governor and comptroller of this state.

49 S 2. This act shall take effect immediately; provided, however, that
50 effective immediately, the addition, amendment and/or repeal of any rule
51 or regulation necessary for the implementation of this act on its effec-
52 tive date are authorized and directed to be made and completed on or
53 before such effective date.