

6336

2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. DESTITO, SCARBOROUGH, BARRA -- Multi-Sponsored by
-- M. of A. LUPARDO, TOWNS, ZEBROWSKI -- read once and referred to the
Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to providing for
binding arbitration in negotiations involving all members of the
collective negotiating units designated as security services or secu-
rity supervisors

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 officers or members of any organized fire
14 department, or any unit of the public employer which previously was a
15 part of an organized fire department whose primary mission includes the
16 prevention and control of aircraft fires, police force or police depart-
17 ment of any county, city, town, village or fire or police district, or
18 detective-investigators, or rackets investigators employed in the office
19 of a district attorney of a county, or in regard to any organized unit
20 of troopers, commissioned or noncommissioned officers of the division of
21 state police, or in regard to investigators, senior investigators and
22 investigator specialists of the division of state police, or in regard

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

LBD09149-01-9

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

17 S 2. The opening paragraph of subdivision 4 of section 209 of the
18 civil service law, as amended by chapter 234 of the laws of 2008, is
19 amended to read as follows:

20 On request of either party or upon its own motion, as provided in
21 subdivision two of this section, and in the event the board determines
22 that an impasse exists in collective negotiations between such employee
23 organization and a public employer as to the conditions of employment of
24 officers or members of any organized fire department, or any other unit
25 of the public employer which previously was a part of an organized fire
26 department whose primary mission includes the prevention and control of
27 aircraft fires, police force or police department of any county, city,
28 town, village or fire or police district, and detective-investigators,
29 criminal investigators or rackets investigators employed in the office
30 of a district attorney, or as to the conditions of employment of members
31 of any organized unit of troopers, commissioned or noncommissioned offi-
32 cers of the division of state police or as to the conditions of employ-
33 ment of members of any organized unit of investigators, senior investi-
34 gators and investigator specialists of the division of state police, or
35 as to the terms and conditions of employment of members of collective
36 negotiating units designated as security services and security supervi-
37 sors, [who are police officers, who are forest ranger captains or who
38 are employed by the state department of correctional services and are
39 designated as peace officers pursuant to subdivision twenty-five of
40 section 2.10 of the criminal procedure law,] or in regard to members of
41 the collective negotiating unit designated as the agency law enforcement
42 services unit who are police officers pursuant to subdivision thirty-
43 four of section 1.20 of the criminal procedure law or who are forest
44 rangers, or as to the conditions of employment of any organized unit of
45 deputy sheriffs who are engaged directly in criminal law enforcement
46 activities that aggregate more than fifty per centum of their service as
47 certified by the county sheriff and are police officers pursuant to
48 subdivision thirty-four of section 1.20 of the criminal procedure law as
49 certified by the municipal police training council or Suffolk county
50 correction officers or Suffolk county park police, the board shall
51 render assistance as follows:

52 S 3. Paragraph (f) of subdivision 4 of section 209 of the civil
53 service law, as amended by chapter 179 of the laws of 2008, is amended
54 to read as follows:

55 (f) With regard to any members of collective negotiating units desig-
56 nated as security services or security supervisors, [who are police

1 officers, who are forest ranger captains or who are employed by the
2 state department of correctional services and are designated as peace
3 officers pursuant to subdivision twenty-five of section 2.10 of the
4 criminal procedure law,] or in regard to members of the collective nego-
5 tiating unit designated as the agency law enforcement services unit who
6 are police officers pursuant to subdivision thirty-four of section 1.20
7 of the criminal procedure law or who are forest rangers, or in regard to
8 detective-investigators, criminal investigators or rackets investigators
9 employed in the office of a district attorney of a county contained
10 within a city with a population of one million or more, the provisions
11 of this section shall only apply to the terms of collective bargaining
12 agreements directly relating to compensation, including, but not limited
13 to, salary, stipends, location pay, insurance, medical and hospitaliza-
14 tion benefits; and shall not apply to non-compensatory issues including,
15 but not limited to, job security, disciplinary procedures and actions,
16 deployment or scheduling, or issues relating to eligibility for overtime
17 compensation which shall be governed by other provisions proscribed by
18 law.

19 S 4. This act shall take effect immediately; provided that the amend-
20 ments to subdivisions 2 and 4 of section 209 of the civil service law
21 made by this act shall not affect the expiration of such subdivisions
22 and shall be deemed to expire therewith.