

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

7171--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. ABBATE, TOWNSEND, SALADINO, ALESSI -- read once
and referred to the Committee on Governmental Employees -- 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 between a public employer and Suffolk county probation offi-
cers

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.

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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 OR SUFFOLK COUNTY PROBATION OFFI-
16 CERS, as provided in subdivision four of this section.

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

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

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

45 On request of either party or upon its own motion, as provided in
46 subdivision two of this section, and in the event the board determines
47 that an impasse exists in collective negotiations between such employee
48 organization and a public employer as to the conditions of employment of
49 officers or members of any organized fire department, or any other unit
50 of the public employer which previously was a part of an organized fire
51 department whose primary mission includes the prevention and control of
52 aircraft fires, police force or police department of any county, city,
53 town, village or fire or police district, and detective-investigators,
54 criminal investigators or rackets investigators employed in the office
55 of a district attorney, or as to the conditions of employment of members
56 of any organized unit of troopers, commissioned or noncommissioned offi-

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

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

23 (J) WITH REGARD TO SUFFOLK COUNTY PROBATION OFFICERS, THE PROVISIONS
24 OF THIS SECTION SHALL NOT APPLY TO ISSUES RELATING TO DISCIPLINARY
25 PROCEDURES AND INVESTIGATIONS OR ELIGIBILITY AND ASSIGNMENT TO DETAILS
26 AND POSITIONS, WHICH SHALL BE GOVERNED BY OTHER PROVISIONS PRESCRIBED BY
27 LAW.

28 S 5. This act shall take effect immediately, provided, however, that
29 the amendments to subdivision 2 of section 209 of the civil service law
30 made by section one of this act shall be subject to the expiration and
31 reversion of such subdivision pursuant to section 3 of chapter 485 of
32 the laws of 1990, as amended, when upon such date the provisions of
33 section two of this act shall take effect; and provided further that the
34 amendments to subdivision 4 of section 209 of the civil service law,
35 made by sections three and four of this act, shall not affect the expi-
36 ration of such subdivision and shall be deemed to expire therewith.