

1303

2009-2010 Regular Sessions

I N   S E N A T E

January 28, 2009

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Introduced by Sen. KRUGER -- 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 hazardous duty differentials

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

1     Section 1. Paragraph (a) of subdivision 9 of section 130 of the civil  
2     service law, as added by chapter 505 of the laws of 1986 and such subdivi-  
3     vision as renumbered by chapter 582 of the laws of 1988, is amended to  
4     read as follows:  
5     (a) Where, and to the extent that, an agreement between the state and  
6     an employee organization entered into pursuant to article fourteen of  
7     this chapter so provide, on behalf of employees serving in positions in  
8     a collective negotiating unit represented by such employee organization,  
9     and for employees designated managerial or confidential pursuant to  
10    article fourteen of this chapter and civilian state employees of the  
11    division of military and naval affairs of the executive department whose  
12    positions are not in, or are excluded from representation rights in, any  
13    recognized or certified negotiating unit, whenever the director deter-  
14    mines that an employee who is serving in a position at a particular work  
15    location or as a result of a temporary work assignment is exposed to an  
16    unavoidable, clear and direct risk and hazard to safety and health, the  
17    director may, subject to the approval of the director of the budget,  
18    authorize a hazardous duty differential for the employee assigned to  
19    such position or temporary work assignment. Except for such managerial  
20    or confidential employees and such civilian state employees of the divi-  
21    sion of military and naval affairs whose positions are not in, or are  
22    excluded from representation rights in, any recognized or certified  
23    negotiating unit, such differentials determined by the director during  
24    the term of such agreement shall only be payable from an amount which is  
25    collectively negotiated for such purposes pursuant to the terms of such

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

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1 an agreement between the state and an employee organization representing  
2 such employees; thereafter such differentials shall continue for those  
3 employees assigned to such position or temporary work assignment unless  
4 terminated or revoked in accordance with paragraph (b) of this subdivi-  
5 sion. FOR THE PURPOSES OF THE DIFFERENTIAL AUTHORIZED PURSUANT TO THIS  
6 SUBDIVISION, EMPLOYEES ASSIGNED TO WORK IN SHOCK INCARCERATION FACILI-  
7 TIES AND OTHER EMPLOYEES IN FACILITIES OR WORK RELEASE PROGRAMS OPERATED  
8 BY THE DEPARTMENT OF CORRECTIONAL SERVICES WHOSE REGULAR WORK ASSIGNMENT  
9 INVOLVES SUBSTANTIAL DIRECT CONTACT WITH INMATES SHALL RECEIVE THE SAME  
10 DIFFERENTIAL AS THAT PROVIDED FOR THOSE EMPLOYEES OF MEDIUM SECURITY  
11 FACILITIES WHO RECEIVE A HAZARDOUS DUTY DIFFERENTIAL.

12 S 2. This act shall take effect on the ninetieth day after it shall  
13 have become a law.