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

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2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sens. MORAHAN, DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to significant service reductions at facilities of the office of mental retardation and developmental disabilities

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

Section 1. Section 13.17 of the mental hygiene law is amended by adding a new subdivision (e) to read as follows:

(E) IN THE EVENT THAT THE PLAN FOR STATE AND LOCAL SERVICES FOR CITIZENS WITH MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, DEVELOPED IN ACCORDANCE WITH SECTION 13.07 OF THIS ARTICLE, DETERMINES THAT SIGNIFICANT SERVICE REDUCTIONS ARE ANTICIPATED FOR A PARTICULAR STATE-OPERATED FACILITY OR A STATE-OPERATED RESEARCH INSTITUTE, THE COMMISSIONER SHALL TAKE THE FOLLOWING ACTIONS, PROVIDED NOTHING IN THIS SUBDIVISION SHALL CREATE A BASIS FOR ENJOINING ANY OTHERWISE LAWFUL SERVICE REDUCTIONS:

1. CONFER WITH THE DEPARTMENT OF CIVIL SERVICE, THE GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS AND ANY OTHER STATE AGENCY TO DEVELOP STRATEGIES WHICH ATTEMPT TO MINIMIZE THE IMPACT ON THE STATE WORKFORCE BY PROVIDING ASSISTANCE IN OBTAINING STATE EMPLOYMENT IN STATE-OPERATED COMMUNITY-BASED SERVICES OR OTHER EMPLOYMENT OPPORTUNITIES, AND TO DEVELOP STRATEGIES FOR THE DEVELOPMENT OF NECESSARY RETRAINING AND REDEPLOYMENT PROGRAMS. IN PLANNING SUCH STRATEGIES, THE COMMISSIONER SHALL PROVIDE FOR THE PARTICIPATION OF THE REPRESENTATIVES OF THE PUBLIC EMPLOYEE LABOR ORGANIZATIONS AND FOR THE PARTICIPATION OF MANAGERIAL AND CONFIDENTIAL EMPLOYEES TO ENSURE CONTINUITY OF EMPLOYMENT;

2. CONSULT WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND ANY OTHER APPROPRIATE STATE AGENCIES TO DEVELOP STRATEGIES WHICH ATTEMPT TO MINI-

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

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MIZE THE IMPACT OF SUCH SIGNIFICANT SERVICE REDUCTIONS ON THE LOCAL AND REGIONAL ECONOMIES;

3. PROVIDE FOR A MECHANISM WHICH MAY REASONABLY BE EXPECTED TO PROVIDE NOTICE TO LOCAL GOVERNMENTS, COMMUNITY ORGANIZATIONS, PUBLIC EMPLOYEE LABOR ORGANIZATIONS, MANAGERIAL AND CONFIDENTIAL EMPLOYEES, CONSUMER AND ADVOCACY GROUPS OF THE POTENTIAL FOR SIGNIFICANT SERVICE REDUCTIONS AT SUCH STATE-OPERATED FACILITIES OR PROGRAMS AND STATE-OPERATED RESEARCH INSTITUTE AT LEAST TWELVE MONTHS PRIOR TO COMMENCING SUCH SERVICE REDUCTION; AND

4. CONSULT WITH THE OFFICE OF GENERAL SERVICES AND ANY OTHER APPROPRIATE STATE AGENCY IN DEVELOPING A MECHANISM FOR DETERMINING ALTERNATIVE USES FOR LAND AND BUILDINGS TO BE VACATED BY THE OFFICE. SUCH A MECHANISM SHOULD INCLUDE A REVIEW OF OTHER PROGRAMS OR STATE AGENCIES THAT COULD FEASIBLY EXPAND THEIR OPERATIONS ONTO A STATE-OPERATED CAMPUS AND ARE COMPATIBLE WITH THE HEALTH, SAFETY AND PROGRAMMATIC NEEDS OF PERSONS SERVED IN SUCH FACILITIES.

S 2. This act shall take effect immediately.