

3038

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sens. VOLKER, STACHOWSKI -- 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 resolution of disputes which reach an impasse in the course of collective negotiations between the Niagara Frontier transportation authority and its police officers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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.

LBD05203-01-9

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, OR IN REGARD TO OFFICERS OR
16 MEMBERS OF AN ORGANIZED POLICE FORCE OF THE NIAGARA FRONTIER TRANSPORTA-
17 TION AUTHORITY, as provided in subdivision four of this section.

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

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

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

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

1 of a district attorney, or as to the conditions of employment of members
2 of any organized unit of troopers, commissioned or noncommissioned offi-
3 cers of the division of state police or as to the conditions of employ-
4 ment of members of any organized unit of investigators, senior investi-
5 gators and investigator specialists of the division of state police, or
6 as to the terms and conditions of employment of members of collective
7 negotiating units designated as security services and security supervi-
8 sors, who are police officers, who are forest ranger captains or who are
9 employed by the state department of correctional services and are desig-
10 nated as peace officers pursuant to subdivision twenty-five of section
11 2.10 of the criminal procedure law, or in regard to members of the
12 collective negotiating unit designated as the agency law enforcement
13 services unit who are police officers pursuant to subdivision thirty-
14 four of section 1.20 of the criminal procedure law or who are forest
15 rangers, or as to the conditions of employment of any organized unit of
16 deputy sheriffs who are engaged directly in criminal law enforcement
17 activities that aggregate more than fifty per centum of their service as
18 certified by the county sheriff and are police officers pursuant to
19 subdivision thirty-four of section 1.20 of the criminal procedure law as
20 certified by the municipal police training council or Suffolk county
21 correction officers or Suffolk county park police, OR IN REGARD TO OFFI-
22 CERS OR MEMBERS OF AN ORGANIZED POLICE FORCE OF THE NIAGARA FRONTIER
23 TRANSPORTATION AUTHORITY, the board shall render assistance as follows:

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

26 (J) WITH REGARD TO OFFICERS OR MEMBERS OF AN ORGANIZED POLICE FORCE OF
27 THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY, THE PROVISIONS OF THIS
28 SECTION SHALL ONLY APPLY TO THE TERMS OF COLLECTIVE BARGAINING AGREE-
29 MENTS DIRECTLY RELATING TO COMPENSATION, INCLUDING BUT NOT LIMITED TO,
30 SALARY, STIPENDS, LOCATION PAY, INSURANCE, MEDICAL AND HOSPITALIZATION
31 BENEFITS; AND SHALL NOT APPLY TO NON-COMPENSATION ISSUES INCLUDING, BUT
32 NOT LIMITED TO, JOB SECURITY, DISCIPLINARY PROCEDURES AND ACTIONS,
33 DEPLOYMENT OR SCHEDULING, OR ISSUES RELATING TO ELIGIBILITY FOR OVERTIME
34 COMPENSATION, WHICH SHALL BE GOVERNED BY OTHER PROVISIONS PRESCRIBED BY
35 LAW.

36 S 5. This act shall take effect immediately, provided, however, that
37 the amendments to subdivision 2 of section 209 of the civil service law
38 made by section one of this act shall be subject to the expiration and
39 reversion of such subdivision pursuant to section 3 of chapter 485 of
40 the laws of 1990, as amended, when upon such date the provisions of
41 section two of this act shall take effect; and provided further that the
42 amendments to subdivision 4 of section 209 of the civil service law,
43 made by sections three and four of this act, shall not affect the expi-
44 ration of such subdivision pursuant to paragraph (d) of such subdivision
45 and shall be deemed to expire therewith.