

3284

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sen. ADAMS -- 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 providing for binding arbitration in negotiations involving all members of the collective negotiating units designated as security services or security supervisors

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
23 to members of collective negotiating units designated as security

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

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

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

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

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

54 (f) With regard to any members of collective negotiating units desig-
55 nated as security services or security supervisors, [who are police
56 officers, who are forest ranger captains or who are employed by the

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

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