

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

3546--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. GABRYSZAK, CASTRO -- Multi-Sponsored by -- M. of A. MARKEY -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 which reach an impasse in the course of collective negotiations between the Niagara Frontier transportation authority and its police officers and aircraft rescue firefighters

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 64 of subpart B of part C of chapter 62 of the laws
3 of 2011, is amended to 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 AIRCRAFT RESCUE FIREFIGHTERS OF THE
14 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, officers or members of any
15 organized fire department, or any unit of the public employer which
16 previously was a part of an organized fire department whose primary
17 mission includes the prevention and control of aircraft fires, police
18 force or police department of any county, city, town, village or fire or
19 police district, or detective-investigators, or rackets investigators

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

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

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

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

51 S 3. The opening paragraph of subdivision 4 of section 209 of the
52 civil service law, as amended by section 64 of subpart B of part C of
53 chapter 62 of the laws of 2011, is amended to read as follows:

54 On request of either party or upon its own motion, as provided in
55 subdivision two of this section, and in the event the board determines
56 that an impasse exists in collective negotiations between such employee

1 organization and a public employer as to the conditions of employment of
2 AIRCRAFT RESCUE FIREFIGHTERS OF THE NIAGARA FRONTIER TRANSPORTATION
3 AUTHORITY, officers or members of any organized fire department, or any
4 other unit of the public employer which previously was a part of an
5 organized fire department whose primary mission includes the prevention
6 and control of aircraft fires, police force or police department of any
7 county, city, town, village or fire or police district, and detective-
8 investigators, criminal investigators or rackets investigators employed
9 in the office of a district attorney, or as to the conditions of employ-
10 ment of members of any organized unit of troopers, commissioned or
11 noncommissioned officers of the division of state police or as to the
12 conditions of employment of members of any organized unit of investi-
13 gators, senior investigators and investigator specialists of the divi-
14 sion of state police, or as to the terms and conditions of employment of
15 members of collective negotiating units designated as security services
16 and security supervisors, who are police officers, who are forest ranger
17 captains or who are employed by the state department of corrections and
18 community supervision and are designated as peace officers pursuant to
19 subdivision twenty-five of section 2.10 of the criminal procedure law,
20 or in regard to members of the collective negotiating unit designated as
21 the agency law enforcement services unit who are police officers pursu-
22 ant to subdivision thirty-four of section 1.20 of the criminal procedure
23 law or who are forest rangers, or as to the conditions of employment of
24 any organized unit of deputy sheriffs who are engaged directly in crimi-
25 nal law enforcement activities that aggregate more than fifty per centum
26 of their service as certified by the county sheriff and are police offi-
27 cers pursuant to subdivision thirty-four of section 1.20 of the criminal
28 procedure law as certified by the municipal police training council or
29 Suffolk county correction officers or Suffolk county park police, OR IN
30 REGARD TO OFFICERS OR MEMBERS OF AN ORGANIZED POLICE FORCE OF THE
31 NIAGARA FRONTIER TRANSPORTATION AUTHORITY, the board shall render
32 assistance as follows:

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

35 (J) WITH REGARD TO AIRCRAFT RESCUE FIREFIGHTERS OF THE NIAGARA FRON-
36 TIER TRANSPORTATION AUTHORITY OR OFFICERS OR MEMBERS OF AN ORGANIZED
37 POLICE FORCE OF THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY, THE
38 PROVISIONS OF THIS SECTION SHALL ONLY APPLY TO THE TERMS OF COLLECTIVE
39 BARGAINING AGREEMENTS DIRECTLY RELATING TO COMPENSATION, INCLUDING BUT
40 NOT LIMITED TO, SALARY, STIPENDS, LOCATION PAY, INSURANCE, MEDICAL AND
41 HOSPITALIZATION BENEFITS; AND SHALL NOT APPLY TO NON-COMPENSATION ISSUES
42 INCLUDING, BUT NOT LIMITED TO, JOB SECURITY, DISCIPLINARY PROCEDURES AND
43 ACTIONS, DEPLOYMENT OR SCHEDULING, OR ISSUES RELATING TO ELIGIBILITY FOR
44 OVERTIME COMPENSATION, WHICH SHALL BE GOVERNED BY OTHER PROVISIONS
45 PRESCRIBED BY LAW.

46 S 5. This act shall take effect immediately, provided, however, that
47 the amendments to subdivision 2 of section 209 of the civil service law
48 made by section one of this act shall be subject to the expiration and
49 reversion of such subdivision pursuant to paragraph (d) of subdivision 4
50 of such section, when upon such date the provisions of section two of
51 this act shall take effect; and provided further that the amendments to
52 subdivision 4 of section 209 of the civil service law, made by sections
53 three and four of this act, shall not affect the expiration of such
54 subdivision pursuant to paragraph (d) of such subdivision and shall be
55 deemed to expire therewith.