

3680

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

Introduced by M. of A. GIGLIO, FINCH -- read once and referred to the  
Committee on Correction

AN ACT to amend the correction law, in relation to establishment of a  
staffing plan for all uniformed and non-uniformed employees at correc-  
tional facilities

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

1 Section 1. Section 112 of the correction law, as amended by chapter  
2 476 of the laws of 1970, is amended to read as follows:  
3 S 112. Powers and duties of commissioner [of correction] relating to  
4 correctional facilities. 1. The commissioner [of correction] shall have  
5 the superintendence, management and control of the correctional facili-  
6 ties in the department and of the inmates confined therein, and of all  
7 matters relating to the government, discipline, policing, contracts and  
8 fiscal concerns thereof. HE OR SHE SHALL HAVE THE RESPONSIBILITY TO  
9 ENSURE THAT ADEQUATE STAFFING EXISTS AT EVERY CORRECTIONAL FACILITY  
10 PURSUANT TO SUBDIVISION TWO OF THIS SECTION. He OR SHE shall have the  
11 power and it shall be his OR HER duty to inquire into all matters  
12 connected with said correctional facilities. He OR SHE shall make such  
13 rules and regulations, not in conflict with the statutes of this state,  
14 for the government of the officers and other employees of the department  
15 assigned to said facilities, and in regard to the duties to be performed  
16 by them, and for the government and discipline of each correctional  
17 facility, as he OR SHE may deem proper, and shall cause such rules and  
18 regulations to be recorded by the superintendent of the facility, and a  
19 copy thereof to be furnished to each employee assigned to the facility.  
20 He OR SHE shall also prescribe a system of accounts and records to be  
21 kept at each correctional facility, which system shall be uniform at all  
22 of said facilities, and he OR SHE shall also make rules and regulations  
23 for a record of photographs and other means of identifying each inmate  
24 received into said facilities. He OR SHE shall appoint and remove,

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

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1 subject to the civil service law [and rules], subordinate officers and  
2 other employees of the department who are assigned to correctional  
3 facilities.

4 2. THE COMMISSIONER SHALL ESTABLISH A STAFFING PLAN FOR ALL UNIFORMED  
5 AND NON-UNIFORMED EMPLOYEES. WITH REGARD TO UNIFORMED STAFF, THE COMMIS-  
6 SIONER SHALL ESTABLISH A STAFFING PLAN WHICH SHALL INCLUDE, BUT NOT BE  
7 LIMITED TO, THE NUMBER OF TOTAL SECURITY POSTS THAT MUST BE STAFFED BY  
8 CORRECTION OFFICERS AND CORRECTIONAL SERGEANTS BY CORRECTIONAL FACILITY.  
9 THESE POSTS SHALL BE DELINEATED BY THOSE THAT ARE NECESSARY FIVE DAYS  
10 PER WEEK AND SEVEN DAYS PER WEEK. THE STAFFING PLAN SHALL REQUIRE THAT  
11 EVERY POST BE STAFFED USING A RATION OF 1.8 CORRECTION OFFICERS FOR  
12 EVERY SEVEN DAY POST AND A RATIO OF 1.25 CORRECTION OFFICERS FOR EACH  
13 FIVE DAY POST. THE COMMISSIONER SHALL PROVIDE A COPY OF SUCH STAFFING  
14 PLAN TO THE CHAIRS OF THE SENATE FINANCE, SENATE CRIME VICTIMS, CRIME  
15 AND CORRECTION, ASSEMBLY WAYS AND MEANS AND ASSEMBLY CORRECTION COMMIT-  
16 TEES BY DECEMBER THIRTY-FIRST OF EACH YEAR. SUCH REPORT SHALL ALSO  
17 PROVIDE DETAILED INFORMATION REGARDING HOW THE STAFFING PLAN WAS IMPLE-  
18 MENTED DURING THE CURRENT FISCAL YEAR. THIS INFORMATION SHALL INCLUDE:  
19 (A) THE NUMBER OF CORRECTION OFFICERS AND SERGEANTS BY CORRECTIONAL  
20 FACILITY THAT THE STAFFING PLAN REQUIRED AS WELL AS THE ACTUAL NUMBER OF  
21 CORRECTION OFFICERS AND SERGEANTS THAT WERE AVAILABLE BY CORRECTIONAL  
22 FACILITY DURING THE CURRENT FISCAL YEAR. IN THE EVENT THE DEPARTMENT  
23 DEVIATED FROM THE STAFFING PLAN, THE COMMISSIONER SHALL PROVIDE DETAILS  
24 ON WHY THE STAFFING PLAN WAS NOT IMPLEMENTED AS REQUIRED PURSUANT TO  
25 THIS SECTION; (B) THE NUMBER OF POSTS INCLUDED IN THE STAFFING PLAN FOR  
26 EACH FACILITY THAT HAVE BEEN CLOSED ON A DAILY BASIS, BY CORRECTIONAL  
27 FACILITY SECURITY CLASSIFICATION (MINIMUM, MEDIUM AND MAXIMUM); (C) THE  
28 NUMBER OF SECURITY POSITIONS NOT FILLED AND THOSE ELIMINATED, BY CORREC-  
29 TIONAL FACILITY SINCE TWO THOUSAND ONE COMPARED TO THE NUMBER OF INMATES  
30 INCARCERATED IN EACH SUCH FACILITY; AND (D) A BREAKDOWN BY CORRECTIONAL  
31 FACILITY SECURITY CLASSIFICATION (MINIMUM, MEDIUM, AND MAXIMUM) OF THE  
32 STAFF HOURS OF OVERTIME WORKED, BY YEAR SINCE TWO THOUSAND ONE AND THE  
33 ANNUAL AGGREGATE COSTS RELATED TO THIS OVERTIME. IN ADDITION, SUCH  
34 REPORT SHALL BE DELINEATED BY CORRECTIONAL FACILITY SECURITY CLASSIFICA-  
35 TION, THE ANNUAL NUMBER OF SECURITY POSITIONS ELIMINATED, THE NUMBER OF  
36 CLOSED POSTS AND AMOUNT OF STAFF HOURS OF OVERTIME ACCRUED AS WELL AS  
37 THE OVERALL OVERTIME EXPENDITURES WHICH RESULTED.

38 3. The commissioner [of correction] may require reports from the  
39 superintendent or any other officer or employee of the department  
40 assigned to any correctional facility in relation to his OR HER conduct  
41 as such officer or employee, and shall have the power to inquire into  
42 any improper conduct which may be alleged to have been committed by any  
43 person at any correctional facility, and for that purpose to issue  
44 subpoenas to compel the attendance of witnesses, and the production  
45 before him OR HER of books, writings and papers. A subpoena issued under  
46 this section shall be regulated by the civil practice law and rules. The  
47 commissioner of correction is authorized and empowered to lease the  
48 railroad, constructed under and by the authority of the laws of eighteen  
49 hundred [and] seventy-eight, chapter one hundred [and] forty-eight, for  
50 such term of years and upon such terms and conditions as shall be  
51 approved of, in writing, by the governor and comptroller of this state.

52 S 2. This act shall take effect immediately; provided, however, that  
53 effective immediately, the addition, amendment and/or repeal of any rule  
54 or regulation necessary for the implementation of this act on its effec-  
55 tive date are authorized and directed to be made and completed on or  
56 before such effective date.