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

S. 3403 A. 5389

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 18, 2011

IN SENATE -- Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. ABBATE, SALADINO, RAMOS -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to resolution of disputes between a public employer and Suffolk county probation officers

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

Section 1. Subdivision 2 of section 209 of the civil service law, as amended by section 1 of chapter 234 of the laws of 2008, is amended to read as follows:

2. Public employers are hereby empowered to enter into written agreements with recognized or certified employee organizations setting forth procedures to be invoked in the event of disputes which reach an impasse in the course of collective negotiations. Such agreements may include the undertaking by each party to submit unresolved issues to impartial arbitration. In the absence or upon the failure of such procedures, public employers and employee organizations may request the board to render assistance as provided in this section, or the board may render such assistance on its own motion, as provided in subdivision three of this section, or, in regard to officers or members of any organized fire department, or any unit of the public employer which previously was a part of an organized fire department whose primary mission includes the prevention and control of aircraft fires, police force or police department of any county, city, town, village or fire or police district, or detective-investigators, or rackets investigators employed in the office of a district attorney of a county, or in regard to any organized unit of troopers, commissioned or noncommissioned officers of the division of

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

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state police, or in regard to investigators, senior investigators and investigator specialists of the division of state police, or in regard to members of collective negotiating units designated as security services and security supervisors who are police officers, who are forest ranger captains or who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law, or in regard to members of the collective negotiating unit designated as the agency law enforcement services unit who are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or who are forest rangers, or in regard to organized units of deputy sheriffs who are engaged directly in criminal law enforcement activities that aggregate more than fifty per centum of their service as certified by the county sheriff and are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police training council or Suffolk county correction officers or Suffolk county park police OR SUFFOLK COUNTY PROBATION OFFICERS, as provided in subdivision four of this section.

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

2. Public employers are hereby empowered to enter into written agreements with recognized or certified employee organizations setting forth procedures to be invoked in the event of disputes which reach an impasse in the course of collective negotiations. Such agreements may include the undertaking by each party to submit unresolved issues to impartial arbitration. In the absence or upon the failure of such procedures, public employers and employee organizations may request the board to render assistance as provided in this section, or the board may render such assistance on its own motion, as provided in subdivision three of this section, or, in regard to officers or members of any organized fire department, or any unit of the public employer which previously was a part of an organized fire department whose primary mission includes the prevention and control of aircraft fires, police force or police department of any county, city, except the city of New York, town, village or fire or police district, or in regard to organized units of deputy sheriffs who are engaged directly in criminal law enforcement activities that aggregate more than fifty per centum of their service as certified by the county sheriff and are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police training council or Suffolk county correction officers or Suffolk county park police OR SUFFOLK COUNTY PROBATION OFFICERS, as provided in subdivision four of this section.

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

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

of a district attorney, or as to the conditions of employment of members of any organized unit of troopers, commissioned or noncommissioned officers of the division of state police or as to the conditions of employment of members of any organized unit of investigators, senior investigators and investigator specialists of the division of state police, or as to the terms and conditions of employment of members of collective negotiating units designated as security services and security supervisors, who are police officers, who are forest ranger captains or who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law, or in regard to members of the collective negotiating unit designated as the agency law enforcement services unit who are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law or who are forest rangers, or as to the conditions of employment of any organized unit of deputy sheriffs who are engaged directly in criminal law enforcement activities that aggregate more than fifty per centum of their service as certified by the county sheriff and are police officers pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police training council or Suffolk county correction officers or Suffolk county park police OR SUFFOLK COUNTY PROBATION OFFICERS, the board shall render assistance as follows:

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

(J) WITH REGARD TO SUFFOLK COUNTY PROBATION OFFICERS, THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ISSUES RELATING TO DISCIPLINARY PROCEDURES AND INVESTIGATIONS OR ELIGIBILITY AND ASSIGNMENT TO DETAILS AND POSITIONS, WHICH SHALL BE GOVERNED BY OTHER PROVISIONS PRESCRIBED BY LAW.

S 5. This act shall take effect immediately, provided, however, that the amendments to subdivision 2 of section 209 of the civil service law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 3 of chapter 485 of the laws of 1990, as amended, when upon such date the provisions of section two of this act shall take effect; and provided further that the amendments to subdivision 4 of section 209 of the civil service law, made by sections three and four of this act, shall not affect the expiration of such subdivision and shall be deemed to expire therewith.