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

5734

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 2011

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to the negotiability of discipline affecting public employees

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

Section 1. Subdivision 4 of section 201 of the civil service law, as amended by chapter 606 of the laws of 1992, is amended to read as follows:

4. The term "terms and conditions of employment" means salaries, wages, hours, DISCIPLINE, DISCIPLINARY PROCEDURES INCLUDING ALTERNATIVES TO ANY STATUTORY DISCIPLINARY SYSTEM, PROVIDED, HOWEVER, THAT ANY RIGHT OF A PUBLIC EMPLOYEE UNDER THE TERMS OF ANY STATE LAW TO ELECT COVERAGE UNDER EITHER A STATUTORY DISCIPLINARY SYSTEM OR A DISCIPLINARY SYSTEM ESTABLISHED BY COLLECTIVE NEGOTIATIONS SHALL NOT BE IMPAIRED, UNLESS ANY SUCH STATE LAW AUTHORIZES EXCLUSIVITY OF A NEGOTIATED DISCIPLINARY SYSTEM, and other terms and conditions of employment provided, however, that such term shall not include any benefits provided by or to be provided by a public retirement system, or payments to a fund or insurer to provide an income for retirees, or payment to retirees or their beneficiaries. No such retirement benefits shall be negotiated pursuant to this article, and any benefits so negotiated shall be void.

S 2. Section 204-a of the civil service law is amended by adding a new subdivision 4 to read as follows:

4. THE TERMS OF ANY CURRENT OR EXPIRED AGREEMENT OR INTEREST ARBITRATION AWARD BETWEEN ANY PUBLIC EMPLOYER AND ANY PUBLIC EMPLOYEE ORGANIZATION RELATING TO THE DISCIPLINE OF ANY PUBLIC EMPLOYEES SHALL BE DEEMED VALID AND ENFORCEABLE FROM THE DATE ANY SUCH AGREEMENT WAS FIRST REACHED OR SUCH AWARD WAS FIRST RENDERED. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE CONSTRUED TO OVERTURN, VACATE, OR OTHERWISE AFFECT ANY FINAL DISCIPLINARY DETERMINATION, PENALTY OR ACTION RENDERED PRIOR TO THE EFFECTIVE DATE OF THIS SUBDIVISION.

S 3. This act shall take effect immediately.

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

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