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

7758

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to public notification of a reduction in force of any fire district, municipal, town or any other local fire department

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

Section 1. The labor law is amended by adding a new article 17-A to read as follows:

ARTICLE 17-A

PUBLIC FIRE SAFETY

SECTION 480. LEGISLATIVE FINDINGS AND INTENT.

481. PROCEDURES FOR A REDUCTION IN FORCE.

S 480. LEGISLATIVE FINDINGS AND INTENT. THE RESIDENTS OF NEW YORK STATE HAVE THE RIGHT TO OBTAIN NECESSARY FIRE PREVENTION AND FIRE SAFETY SERVICES. IT IS THE PUBLIC POLICY OF THIS STATE TO PROMOTE A SAFE ENVIRONMENT FOR RESIDENTS AND PROTECT SUCH RESIDENTS FROM RESIDENTIAL AND COMMERCIAL FIRES.

THEREFORE, IT IS THE INTENT OF THIS LEGISLATURE TO ENSURE THAT RESIDENTS ARE FULLY AWARE OF ANY REDUCTION IN SUCH PROTECTIVE AND PREVENTIVE MEASURES BY REQUIRING A PUBLIC HEARING PRIOR TO ANY REDUCTION IN FORCE OF A MUNICIPAL, TOWN, OR ANY OTHER LOCAL FIRE DEPARTMENT.

S 481. PROCEDURES FOR A REDUCTION IN FORCE. 1. AT LEAST SIX MONTHS IN ADVANCE OF A PROPOSED REDUCTION IN FORCE OF ANY FIRE DISTRICT, MUNICIPAL, TOWN, OR ANY OTHER LOCAL FIRE DEPARTMENT, THE GOVERNING AUTHORITY IN WHICH SUCH FIRE DEPARTMENT IS LOCATED ARE HEREBY REQUIRED TO ESTABLISH AN ADVISORY COMMITTEE ON THE PROPOSED REDUCTION TO INVESTIGATE THE IMPACT OF SUCH REDUCTION ON THE ABILITY OF SAID FIRE DEPARTMENT TO ADEQUATELY PREVENT AND SUPPRESS FIRES IN SUCH LOCATION.

2. THE FACTORS TO BE CONSIDERED BY THE COMMITTEE IN THE IMPACT STATEMENT SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

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(A) THE CURRENT DUTIES PERFORMED BY FIRE PERSONNEL;
(B) POSSIBLE IMPACT OF THE REDUCTION FIRE RESPONSE TIME;
(C) THE EFFECT SUCH REDUCTION WOULD HAVE ON AUXILIARY FIRE DEPARTMENT SERVICES INCLUDING BUT NOT LIMITED TO: EDUCATIONAL PROGRAMS, TRAINING AND PROTECTIVE SERVICES;

3. (A) SUCH IMPACT STATEMENT SHALL BE FILED WITH THE GOVERNING AUTHORITY AND BE MADE AVAILABLE FOR PUBLIC INSPECTION. SUCH GOVERNING AUTHORITY SHALL PUBLISH A NOTICE OF SUCH PROPOSED REDUCTION IN FORCE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY ONCE A WEEK FOR TWO WEEKS, AND SHALL POST A NOTICE CONSPICUOUSLY IN THE AFFECTED LOCALITY, WHICH SHALL ALSO BE CIRCULATED TO ELECTED STATE AND LOCAL PUBLIC OFFICIALS WHO REPRESENT THE AFFECTED COMMUNITIES.

(B) AFTER THE STATEMENT HAS BEEN FILED AND CIRCULATED, THE GOVERNING AUTHORITY, SHALL HOLD A PUBLIC HEARING TO EVALUATE THE IMPACT OF THE PROPOSED REDUCTION IN FORCE ON THE AFFECTED LOCALITY. SUCH HEARING SHALL BE HELD WITHIN SIXTY DAYS OF THE ISSUANCE OF THE IMPACT STATEMENT AT TIMES AND PLACES CONVENIENT AND ACCESSIBLE TO THE PUBLIC. NOTICE OF SUCH HEARING SHALL BE PUBLISHED BY SUCH GOVERNING AUTHORITY IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE LOCALITY ONCE A WEEK FOR TWO WEEKS, AND SHALL BE POSTED CONSPICUOUSLY IN THE AFFECTED LOCALITY, AND SHALL ALSO BE CIRCULATED TO ELECTED STATE AND LOCAL PUBLIC OFFICIALS WHO REPRESENT THE AFFECTED COMMUNITIES. AT SUCH HEARING, FACTORS ENUMERATED IN SUBDIVISION TWO OF THIS SECTION SHALL BE CONSIDERED AND ALTERNATIVES MAY BE PRESENTED BY INTERESTED PARTIES.

(C) THE GOVERNING AUTHORITY SHALL RENDER A DECISION AT A REGULAR OR SPECIAL MEETING, THE RESULTS OF WHICH SHALL BE RECORDED AND MADE AVAILABLE TO THE PUBLIC.

S 2. This act shall take effect immediately.