

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

3712--A

2011-2012 Regular Sessions

I N S E N A T E

March 2, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to providing for binding arbitration in negotiations involving all members of the collective negotiating units designated as security services or security supervisors

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 officers or members of any organized fire
14 department, or any unit of the public employer which previously was a
15 part of an organized fire department whose primary mission includes the
16 prevention and control of aircraft fires, police force or police depart-
17 ment of any county, city, town, village or fire or police district, or
18 detective-investigators, or rackets investigators employed in the office
19 of a district attorney of a county, or in regard to any organized unit

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

LBD07552-02-1

1 of troopers, commissioned or noncommissioned officers of the division of
2 state police, or in regard to investigators, senior investigators and
3 investigator specialists of the division of state police, or in regard
4 to members of collective negotiating units designated as security
5 services and security supervisors [who are police officers, who are
6 forest ranger captains or who are employed by the state department of
7 corrections and community supervision and are designated as peace offi-
8 cers pursuant to subdivision twenty-five of section 2.10 of the criminal
9 procedure law], or in regard to members of the collective negotiating
10 unit designated as the agency law enforcement services unit who are
11 police officers pursuant to subdivision thirty-four of section 1.20 of
12 the criminal procedure law or who are forest rangers, or in regard to
13 organized units of deputy sheriffs who are engaged directly in criminal
14 law enforcement activities that aggregate more than fifty per centum of
15 their service as certified by the county sheriff and are police officers
16 pursuant to subdivision thirty-four of section 1.20 of the criminal
17 procedure law as certified by the municipal police training council or
18 Suffolk county correction officers or Suffolk county park police, as
19 provided in subdivision four of this section.

20 S 2. The opening paragraph of subdivision 4 of section 209 of the
21 civil service law, as amended by section 64 of subpart B of part C of
22 chapter 62 of the laws of 2011, is amended to read as follows:

23 On request of either party or upon its own motion, as provided in
24 subdivision two of this section, and in the event the board determines
25 that an impasse exists in collective negotiations between such employee
26 organization and a public employer as to the conditions of employment of
27 officers or members of any organized fire department, or any other unit
28 of the public employer which previously was a part of an organized fire
29 department whose primary mission includes the prevention and control of
30 aircraft fires, police force or police department of any county, city,
31 town, village or fire or police district, and detective-investigators,
32 criminal investigators or rackets investigators employed in the office
33 of a district attorney, or as to the conditions of employment of members
34 of any organized unit of troopers, commissioned or noncommissioned offi-
35 cers of the division of state police or as to the conditions of employ-
36 ment of members of any organized unit of investigators, senior investi-
37 gators and investigator specialists of the division of state police, or
38 as to the terms and conditions of employment of members of collective
39 negotiating units designated as security services and security supervi-
40 sors, [who are police officers, who are forest ranger captains or who
41 are employed by the state department of corrections and community super-
42 vision and are designated as peace officers pursuant to subdivision
43 twenty-five of section 2.10 of the criminal procedure law,] or in regard
44 to members of the collective negotiating unit designated as the agency
45 law enforcement services unit who are police officers pursuant to subdi-
46 vision thirty-four of section 1.20 of the criminal procedure law or who
47 are forest rangers, or as to the conditions of employment of any organ-
48 ized unit of deputy sheriffs who are engaged directly in criminal law
49 enforcement activities that aggregate more than fifty per centum of
50 their service as certified by the county sheriff and are police officers
51 pursuant to subdivision thirty-four of section 1.20 of the criminal
52 procedure law as certified by the municipal police training council or
53 Suffolk county correction officers or Suffolk county park police, the
54 board shall render assistance as follows:

1 S 3. Paragraph (f) of subdivision 4 of section 209 of the civil
2 service law, as amended by section 64 of subpart B of part C of chapter
3 62 of the laws of 2011, is amended to read as follows:

4 (f) With regard to any members of collective negotiating units desig-
5 nated as security services or security supervisors, [who are police
6 officers, who are forest ranger captains or who are employed by the
7 state department of corrections and community supervision and are desig-
8 nated as peace officers pursuant to subdivision twenty-five of section
9 2.10 of the criminal procedure law,] or in regard to members of the
10 collective negotiating unit designated as the agency law enforcement
11 services unit who are police officers pursuant to subdivision thirty-
12 four of section 1.20 of the criminal procedure law or who are forest
13 rangers, or in regard to detective-investigators, criminal investigators
14 or rackets investigators employed in the office of a district attorney
15 of a county contained within a city with a population of one million or
16 more, the provisions of this section shall only apply to the terms of
17 collective bargaining agreements directly relating to compensation,
18 including, but not limited to, salary, stipends, location pay, insur-
19 ance, medical and hospitalization benefits; and shall not apply to non-
20 compensatory issues including, but not limited to, job security, disci-
21 plinary procedures and actions, deployment or scheduling, or issues
22 relating to eligibility for overtime compensation which shall be
23 governed by other provisions proscribed by law.

24 S 4. This act shall take effect immediately; provided that the amend-
25 ments to subdivisions 2 and 4 of section 209 of the civil service law
26 made by this act shall not affect the expiration of such subdivisions
27 and shall be deemed to expire therewith.