

S. 6576

A. 9423

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

February 29, 2012

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 -- 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:

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
20 of troopers, commissioned or noncommissioned officers of the division of
21 state police, or in regard to investigators, senior investigators and
22 investigator specialists of the division of state police, or in regard
23 to members of collective negotiating units designated as security

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

LBD09077-02-2

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

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

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

41 S 3. The opening paragraph of subdivision 4 of section 209 of the
42 civil service law, as amended by section 64 of subpart B of part C of
43 chapter 62 of the laws of 2011, is amended to read as follows:

44 On request of either party or upon its own motion, as provided in
45 subdivision two of this section, and in the event the board determines
46 that an impasse exists in collective negotiations between such employee
47 organization and a public employer as to the conditions of employment of
48 officers or members of any organized fire department, or any other unit
49 of the public employer which previously was a part of an organized fire
50 department whose primary mission includes the prevention and control of
51 aircraft fires, police force or police department of any county, city,
52 town, village or fire or police district, and detective-investigators,
53 criminal investigators or rackets investigators employed in the office
54 of a district attorney, or as to the conditions of employment of members
55 of any organized unit of troopers, commissioned or noncommissioned offi-
56 cers of the division of state police or as to the conditions of employ-

1 ment of members of any organized unit of investigators, senior investi-
2 gators and investigator specialists of the division of state police, or
3 as to the terms and conditions of employment of members of collective
4 negotiating units designated as security services and security supervi-
5 sors, who are police officers, who are forest ranger captains or who are
6 employed by the state department of corrections and community super-
7 vision and are designated as peace officers pursuant to subdivision
8 twenty-five of section 2.10 of the criminal procedure law, or in regard
9 to members of the collective negotiating unit designated as the agency
10 law enforcement services unit who are police officers pursuant to subdi-
11 vision thirty-four of section 1.20 of the criminal procedure law or who
12 are forest rangers, or as to the conditions of employment of any organ-
13 ized unit of deputy sheriffs who are engaged directly in criminal law
14 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 OR
19 SUFFOLK COUNTY PROBATION OFFICERS, the board shall render assistance as
20 follows:

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

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

28 S 5. This act shall take effect immediately, provided, however, that
29 the amendments to subdivision 2 of section 209 of the civil service law
30 made by section one of this act shall be subject to the expiration and
31 reversion of such subdivision pursuant to paragraph (d) of subdivision 4
32 of section 209 of the civil service law as amended, when upon such date
33 the provisions of section two of this act shall take effect; and
34 provided further that the amendments to subdivision 4 of section 209 of
35 the civil service law, made by sections three and four of this act,
36 shall not affect the expiration of such subdivision and shall be deemed
37 to expire therewith.