

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:

1     Section 1. Subdivision 2 of section 209 of the civil service law, as  
2     amended by section 1 of chapter 234 of the laws of 2008, is amended to  
3     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

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

LBD09077-01-1

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

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

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

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

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

1 of a district attorney, or as to the conditions of employment of members  
2 of any organized unit of troopers, commissioned or noncommissioned offi-  
3 cers of the division of state police or as to the conditions of employ-  
4 ment of members of any organized unit of investigators, senior investi-  
5 gators and investigator specialists of the division of state police, or  
6 as to the terms and conditions of employment of members of collective  
7 negotiating units designated as security services and security supervi-  
8 sors, who are police officers, who are forest ranger captains or who are  
9 employed by the state department of correctional services and are desig-  
10 nated as peace officers pursuant to subdivision twenty-five of section  
11 2.10 of the criminal procedure law, or in regard to members of the  
12 collective negotiating unit designated as the agency law enforcement  
13 services unit who are police officers pursuant to subdivision thirty-  
14 four of section 1.20 of the criminal procedure law or who are forest  
15 rangers, or as to the conditions of employment of any organized unit of  
16 deputy sheriffs who are engaged directly in criminal law enforcement  
17 activities that aggregate more than fifty per centum of their service as  
18 certified by the county sheriff and are police officers pursuant to  
19 subdivision thirty-four of section 1.20 of the criminal procedure law as  
20 certified by the municipal police training council or Suffolk county  
21 correction officers or Suffolk county park police OR SUFFOLK COUNTY  
22 PROBATION OFFICERS, the board shall render assistance as follows:

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

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

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