

6249

I N S E N A T E

January 17, 2012

Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to authorizing the board of trustees of the university of Rochester to designate security staff as peace officers

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

1 Section 1. The education law is amended by adding a new section 6311
2 to read as follows:
3 S 6311. DESIGNATION OF PEACE OFFICERS AT THE UNIVERSITY OF ROCHESTER.
4 1. THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ROCHESTER SHALL HAVE THE
5 AUTHORITY TO APPOINT SECURITY OFFICERS FOR SUCH UNIVERSITY AND, IN ITS
6 DISCRETION, TO DESIGNATE OR TO REVOKE THE DESIGNATION OF ONE OR MORE
7 THAN ONE SECURITY OFFICER AS A PEACE OFFICER. A SECURITY OFFICER SO
8 DESIGNATED SHALL HAVE THE POWERS OF A PEACE OFFICER AS SET FORTH IN
9 SECTION 2.20 OF THE CRIMINAL PROCEDURE LAW. A SECURITY OFFICER DESIGNATED AS A PEACE OFFICER MUST HAVE SATISFACTORILY COMPLETED OR COMPLETE, WITHIN ONE YEAR OF THE DATE OF SUCH DESIGNATION, A COURSE OF LAW ENFORCEMENT TRAINING PRESCRIBED BY THE MUNICIPAL POLICE TRAINING COUNCIL IN CONSULTATION WITH THE UNIVERSITY BOARD OF TRUSTEES. A PEACE OFFICER SO DESIGNATED MAY POSSESS AND CARRY A BATON AND PEPPER FOAM AS A PART OF ON DUTY EMPLOYMENT ONLY IF AUTHORIZED TO DO SO BY THE PRESIDENT OF THE UNIVERSITY. THE GEOGRAPHICAL AREA OF EMPLOYMENT OF A PEACE OFFICER SO DESIGNATED IS THE CAMPUS AND OTHER PROPERTY OF THE UNIVERSITY, INCLUDING THAT PORTION OF A PUBLIC HIGHWAY WHICH CROSSES OR ABUTS SUCH PROPERTY, AND RESIDENTIAL OR OTHER FACILITIES OWNED, OPERATED OR MAINTAINED BY A NOT-FOR-PROFIT ENTITY ASSOCIATED WITH THE UNIVERSITY OF ROCHESTER FOR WHICH SUCH UNIVERSITY PROVIDES SECURITY.
22 2. THE APPOINTMENT OF SECURITY OFFICERS AT THE UNIVERSITY OF ROCHESTER SHALL BE GOVERNED BY AND CONFORM WITH CIVIL SERVICE LAWS, RULES AND REGULATIONS, IF APPLICABLE TO THE UNIVERSITY AND ITS EMPLOYEES. THE DESIGNATION OF A SECURITY OFFICER AS A PEACE OFFICER SHALL BE BASED ON QUALIFICATIONS ESTABLISHED BY THE UNIVERSITY BOARD OF TRUSTEES, AND IN ACCORDANCE WITH SENIORITY. FOR PURPOSES OF THIS SUBDIVISION, "SENIORITY"

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

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1 MEANS TOTAL EMPLOYMENT SERVICE WITH THE COMMUNITY COLLEGE MAKING SUCH
2 DESIGNATION.

3 3. A SECURITY OFFICER WHO HAS BEEN DESIGNATED A PEACE OFFICER MAY HAVE
4 SUCH DESIGNATION SUSPENDED OR REMOVED PURSUANT TO PROCEDURES ESTABLISHED
5 BY THE UNIVERSITY OR IN COMPLIANCE WITH ANY LOCAL COLLECTIVE BARGAINING
6 AGREEMENT, IF APPLICABLE TO THE UNIVERSITY AND ITS EMPLOYEES.

7 4. THE DESIGNATION OF PEACE OFFICERS PURSUANT TO THIS SECTION SHALL
8 NOT BE DEEMED TO SUPERSEDE IN ANY WAY THE AUTHORITY OF OTHER PEACE OFFI-
9 CERS AND POLICE OFFICERS.

10 5. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO: (I) ALTER
11 ANY EXISTING COLLECTIVE BARGAINING AGREEMENT; (II) DIMINISH THE RIGHTS
12 OF EMPLOYEES PURSUANT TO AN EXISTING COLLECTIVE BARGAINING AGREEMENT;
13 (III) AFFECT EXISTING LAW WITH RESPECT TO AN APPLICATION TO THE PUBLIC
14 EMPLOYMENT RELATIONS BOARD SEEKING DESIGNATION BY THE BOARD THAT CERTAIN
15 PERSONS ARE MANAGERIAL OR CONFIDENTIAL; OR (IV) ALTER OR RESTRICT THE
16 POWER OF A COUNTY OR UNIVERSITY SPONSOR OR EMPLOYEE ORGANIZATION TO
17 NEGOTIATE WITH RESPECT TO AN ALTERNATE METHOD OF APPOINTMENT OR
18 PROMOTION OF SECURITY OFFICERS.

19 S 2. This act shall take effect immediately.