

7947

2013-2014 Regular Sessions

I N A S S E M B L Y

June 11, 2013

Introduced by M. of A. ROBERTS -- Multi-Sponsored by -- M. of A. HEASTIE
-- 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:

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

3 ARTICLE 17-A

4 PUBLIC FIRE SAFETY

5 SECTION 480. LEGISLATIVE FINDINGS AND INTENT.

6 481. PROCEDURES FOR A REDUCTION IN FORCE.

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

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

16 S 481. PROCEDURES FOR A REDUCTION IN FORCE. 1. AT LEAST SIX MONTHS IN
17 ADVANCE OF A PROPOSED REDUCTION IN FORCE OF ANY FIRE DISTRICT, MUNICI-
18 PAL, TOWN, OR ANY OTHER LOCAL FIRE DEPARTMENT, THE GOVERNING AUTHORITY
19 IN WHICH SUCH FIRE DEPARTMENT IS LOCATED ARE HEREBY REQUIRED TO ESTAB-
20 LISH AN ADVISORY COMMITTEE ON THE PROPOSED REDUCTION TO INVESTIGATE THE
21 IMPACT OF SUCH REDUCTION ON THE ABILITY OF SAID FIRE DEPARTMENT TO
22 ADEQUATELY PREVENT AND SUPPRESS FIRES IN SUCH LOCATION.

23 2. THE FACTORS TO BE CONSIDERED BY THE COMMITTEE IN THE IMPACT STATE-
24 MENT 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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1 (A) THE CURRENT DUTIES PERFORMED BY FIRE PERSONNEL;

2 (B) POSSIBLE IMPACT OF THE REDUCTION FIRE RESPONSE TIME;

3 (C) THE EFFECT SUCH REDUCTION WOULD HAVE ON AUXILIARY FIRE DEPARTMENT
4 SERVICES INCLUDING BUT NOT LIMITED TO: EDUCATIONAL PROGRAMS, TRAINING
5 AND PROTECTIVE SERVICES;

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

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

25 (C) THE GOVERNING AUTHORITY SHALL RENDER A DECISION AT A REGULAR OR
26 SPECIAL MEETING, THE RESULTS OF WHICH SHALL BE RECORDED AND MADE AVAIL-
27 ABLE TO THE PUBLIC.

28 S 2. This act shall take effect immediately.