

5391

2015-2016 Regular Sessions

I N   S E N A T E

May 14, 2015

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

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  
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.

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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, as  
15 provided in subdivision four of this section.

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

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

51 S 3. Paragraph (f) of subdivision 4 of section 209 of the civil  
52 service law, as amended by section 64 of subpart B of part C of chapter  
53 62 of the laws of 2011, is amended to read as follows:

54 (f) With regard to any members of collective negotiating units desig-  
55 nated as security services or security supervisors, [who are police  
56 officers, who are forest ranger captains or who are employed by the

1 state department of corrections and community supervision and are desig-  
2 nated as peace officers pursuant to subdivision twenty-five of section  
3 2.10 of the criminal procedure law,] or in regard to members of the  
4 collective negotiating unit designated as the agency law enforcement  
5 services unit who are police officers pursuant to subdivision thirty-  
6 four of section 1.20 of the criminal procedure law or who are forest  
7 rangers, or in regard to detective-investigators, criminal investigators  
8 or rackets investigators employed in the office of a district attorney  
9 of a county contained within a city with a population of one million or  
10 more, the provisions of this section shall only apply to the terms of  
11 collective bargaining agreements directly relating to compensation,  
12 including, but not limited to, salary, stipends, location pay, insur-  
13 ance, medical and hospitalization benefits; and shall not apply to non-  
14 compensatory issues including, but not limited to, job security, disci-  
15 plinary procedures and actions, deployment or scheduling, or issues  
16 relating to eligibility for overtime compensation which shall be  
17 governed by other provisions proscribed by law.

18 S 4. This act shall take effect immediately; provided, however, that  
19 the amendments to subdivisions 2 and 4 of section 209 of the civil  
20 service law made by sections one, two and three of this act shall be  
21 subject to the expiration and reversion of such subdivision pursuant to  
22 paragraph (d) of subdivision 4 of such section and shall be deemed to  
23 expire therewith.