

**HOME RULE MESSAGE REQUESTING STATE OF NEW YORK
TO AMEND THE CIVIL SERVICE LAW, IN RELATION TO
RESOLUTION OF DISPUTES BETWEEN A PUBLIC
EMPLOYER AND SUFFOLK COUNTY PROBATION OFFICERS
(SENATE BILL S.4872 AND ASSEMBLY BILL A.7171-A)**

WHEREAS, Section 209(4)(c) of the New York Civil Service Law provides for mandatory arbitration in the event that an impasse is reached in collective bargaining negotiations between a municipality, such as the County of Suffolk, and employee organizations representing members of any organized fire department, police force, or police department; and

WHEREAS, binding arbitration for firefighters and police was initially adopted in 1974 to provide a fair and timely method for resolving contractual disputes involving police and firefighters and in turn to avoid strikes by employees who provide critical public safety services; and

WHEREAS, binding arbitration for compensatory issues was thereafter extended to State Police and State Correction Officers and deputy sheriffs; and

WHEREAS, binding arbitration was subsequently extended to Suffolk County Correction Officers and Suffolk County Park Police; and

WHEREAS, Suffolk County Probation Officers are classified as "Peace Officers"; and

WHEREAS, Probation Officers undergo intensive public safety/ rehabilitation training, including the use of firearms; and

WHEREAS, Suffolk County Probation Officers supervise approximately 14,000 felony/misdemeanor offenders in the community; and

WHEREAS, Probation Officers execute felony and misdemeanor arrest warrants, conduct warrantless searches for weapons and narcotics, confiscate contraband and make summary arrests; and

WHEREAS, similar to State Police, local police officers, deputy sheriffs, correction officers, Probation Officers and park police, face inherent dangers on a daily basis while performing analogous public safety services; and

WHEREAS, it is logical to extend the binding arbitration law to include Suffolk County Probation Officers in order to ensure orderly continuous protection of the public during protracted county contract negotiations; now, therefore be it

1st **RESOLVED**, that this Legislature hereby requests the State of New York to enact Senate Bill S.4872 and Assembly Bill A.7171-A to amend the Civil Service Law by extending the Binding Arbitration Law provisions to Suffolk County Probation Officers; and be it further

2nd **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David A. Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: June 9, 2009



Friday, May 29, 2009

Text - A07171

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S T A T E O F N E W Y O R K

7171--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. ABBATE, TOWNSEND, SALADINO, ALESSI -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
 21 state police, or in regard to investigators, senior investigators and
 22 investigator specialists of the division of state police, or in regard

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

A. 7171--A

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LBD06729-02-9

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

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

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

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

45 On request of either party or upon its own motion, as provided in
 46 subdivision two of this section, and in the event the board determines
 47 that an impasse exists in collective negotiations between such employee
 48 organization and a public employer as to the conditions of employment of
 49 officers or members of any organized fire department, or any other unit
 50 of the public employer which previously was a part of an organized fire
 51 department whose primary mission includes the prevention and control of
 52 aircraft fires, police force or police department of any county, city,
 53 town, village or fire or police district, and detective-investigators,
 54 criminal investigators or rackets investigators employed in the office
 55 of a district attorney, or as to the conditions of employment of members
 56 of any organized unit of troopers, commissioned or noncommissioned offi-
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1 cers of the division of state police or as to the conditions of employ-
 2 ment of members of any organized unit of investigators, senior investi-
 3 gators and investigator specialists of the division of state police, or
 4 as to the terms and conditions of employment of members of collective
 5 negotiating units designated as security services and security supervi-
 6 sors, who are police officers, who are forest ranger captains or who are
 7 employed by the state department of correctional services and are desig-
 8 nated as peace officers pursuant to subdivision twenty-five of section
 9 2.10 of the criminal procedure law, or in regard to members of the

10 collective negotiating unit designated as the agency law enforcement
11 services unit who are police officers pursuant to subdivision thirty-
12 four of section 1.20 of the criminal procedure law or who are forest
13 rangers, or as to the conditions of employment of any organized unit of
14 deputy sheriffs who are engaged directly in criminal law enforcement
15 activities that aggregate more than fifty per centum of their service as
16 certified by the county sheriff and are police officers pursuant to
17 subdivision thirty-four of section 1.20 of the criminal procedure law as
18 certified by the municipal police training council or Suffolk county
19 correction officers or Suffolk county park police OR SUFFOLK COUNTY
20 PROBATION OFFICERS, the board shall render assistance as 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 section 3 of chapter 485 of
32 the laws of 1990, as amended, when upon such date the provisions of
33 section two of this act shall take effect; and provided further that the
34 amendments to subdivision 4 of section 209 of the civil service law,
35 made by sections three and four of this act, shall not affect the expi-
36 ration of such subdivision and shall be deemed to expire therewith.

Contact Webmaster

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Friday, May 29, 2009

Text - S04872

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[See Summary](#)

S T A T E O F N E W Y O R K

4872

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. FOLEY -- 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 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
 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
 24 services and security supervisors who are police officers, who are

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

S. 4872

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LBD06729-03-9

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

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26 such assistance on its own motion, as provided in subdivision three of
27 this section, or, in regard to officers or members of any organized fire
28 department, or any unit of the public employer which previously was a
29 part of an organized fire department whose primary mission includes the
30 prevention and control of aircraft fires, police force or police depart-
31 ment of any county, city, except the city of New York, town, village or
32 fire or police district, or in regard to organized units of deputy sher-
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44 subdivision two of this section, and in the event the board determines
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47 officers or members of any organized fire department, or any other unit
48 of the public employer which previously was a part of an organized fire
49 department whose primary mission includes the prevention and control of
50 aircraft fires, police force or police department of any county, city,
51 town, village or fire or police district, and detective-investigators,
52 criminal investigators or rackets investigators employed in the office
53 of a district attorney, or as to the conditions of employment of members
54 of any organized unit of troopers, commissioned or noncommissioned offi-
55 cers of the division of state police or as to the conditions of employ-
56 ment of members of any organized unit of investigators, senior investi-
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1 gators and investigator specialists of the division of state police, or
2 as to the terms and conditions of employment of members of collective
3 negotiating units designated as security services and security supervi-
4 sors, who are police officers, who are forest ranger captains or who are
5 employed by the state department of correctional services and are desig-
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7 2.10 of the criminal procedure law, or in regard to members of the
8 collective negotiating unit designated as the agency law enforcement
9 services unit who are police officers pursuant to subdivision thirty-

10 four of section 1.20 of the criminal procedure law or who are forest
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24 AND POSITIONS, WHICH SHALL BE GOVERNED BY OTHER PROVISIONS PRESCRIBED BY
25 LAW.

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

Contact Webmaster

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OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov

WILLIAM H. ROGERS BUILDING
P.O. Box 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

MEMORANDUM

DATE: May 29, 2009

TO: Tim Laube, Clerk of the Legislature

FROM: George Nolan, Counsel to the Legislature GN

RE: Home Rule Message Requesting State of New York to Amend the Civil Service Law, in Relation to Resolution of Disputes Between a Public Employer and Suffolk County Probation Officers (Senate Bill S.4872 and Assembly Bill A.7171-A)

Pursuant to the request of Presiding Officer Lindsay, enclosed please find the above referenced resolution for immediate filing.

GN:tm
Enclosure

cc: Hon. William J. Lindsay, Presiding Officer
Hon. Daniel Losquadro, County Legislator, 6th District
Terry Pearsall, Chief of Staff

s:\et\cl - HR Message Arbitration Probation Officers

HAUPPAUGE
SUFFOLK COUNTY, N.Y.
COUNTY LEGISLATURE

2009 MAY 29 P 4: 59

RECEIVED

Intro. Res. HR 14 Res. No.

June 9, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.				/	
8	William J. LINDSAY, P.O.	/				
	Totals	17	1	1	1	1

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess
APPROVED <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED



 Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote