



## Legislation Text

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Int. No. 380-A

By Council Members Comrie, Addabbo, Jr., Barron, Baez, Clarke, Gennaro, Koppell, Liu, Lopez, Martinez, Monserrate, Nelson, Reed, Rivera, Sanders, Seabrook, Sears, Stewart, Vann, Weprin, Jackson, Quinn, Avella, Brewer, Gerson, Foster, Gentile, Jennings, Palma, deBlasio, McMahon, Gioia, Dilan, Gonzalez, Recchia, Perkins and the Speaker (Council Member Miller) and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to collective bargaining rights of certain city employees.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that employees working in various departments and agencies in the City of New York have certain job characteristics similar to those of employees working in the City's uniformed services, such as police, fire, sanitation and correction services. Furthermore, the Council recognizes that certain employees working in the City's uniformed services have unique bargaining rights under the New York City Collective Bargaining Law (New York City Administrative Code §12-301, et. seq.). The Council finds that individuals with job characteristics similar to those employees working in the City's uniformed services should be afforded the same unique bargaining rights as those afforded to individuals working in such services. The Council further finds that such changes are consistent with the New York State Taylor Law, in that they are designed to "promote harmonious and cooperative relationships between government and its employees..." New York State Civil Service Law (CVS) §200. Furthermore, the Council finds that these changes are procedural in nature, affecting the manner in which bargaining is conducted on behalf of the affected employees, and will not provide a particular benefit to such employees, nor prescribe a certain result from collective bargaining. The Council finds that such procedural changes are permitted by and in accordance with the Taylor Law. CVS §212.

§2. Paragraph (4) of subdivision (a) of section 12-307 of the administrative code of the city of New

York is hereby amended to read as follows:

(4) all matters, including but not limited to pensions, overtime and time and leave rules which affect employees in the uniformed police, fire, sanitation and correction services, or any other police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law who is also defined as a police officer in this code, shall be negotiated with the certified employee organizations representing the employees involved. For purposes of this paragraph only[.]:

(i) employees of the uniformed fire service shall also include persons employed at any level of position or service by the fire department of the city of New York as fire alarm dispatchers and supervisors of fire alarm dispatchers[. For purposes of this paragraph only, employees of the uniformed fire service shall also include persons employed by the fire department of the city of New York as], fire protection inspectors and supervisors of fire protection inspectors, emergency medical technicians and advanced emergency medical technicians, as those terms are defined in section three thousand one of the public health law, and supervisors of emergency medical technicians or advanced emergency medical technicians;

(ii) employees of the uniformed police service shall also include persons employed at any level of position or service by the police department of the city of New York as traffic enforcement agents and supervisors of traffic enforcement agents, and school safety agents and supervisors of school safety agents; and

(iii) employees of the uniformed sanitation service shall also include persons employed at any level of position or service by the sanitation department of the city of New York as sanitation enforcement agents and supervisors of sanitation enforcement agents;

§3. Paragraph (5) of subdivision a of section 12-307 of the administrative code of the city of New York is hereby renumbered as paragraph (6), and a new paragraph (5) is added to read as follows:

(5) all matters, including but not limited to pensions, overtime and time and leave rules which affect the

following employees at any level of position or service in the following agencies shall be negotiated with the certified employee organizations representing the employees involved:

- (i) persons employed by the department of homeless services of the city of New York as special officers, senior special officers, supervising special officers and principal special officers;
- (ii) persons employed by the department of health and mental hygiene of the city of New York as special officers, senior special officers, supervising special officers and principal special officers;
- (iii) persons employed by the department of juvenile justice of the city of New York as special officers, senior special officers, supervising special officers and principal special officers;
- (iv) persons employed by the human resources administration of the city of New York as special officers, senior special officers, supervising special officers and principal special officers;
- (v) persons employed by the administration for children's services of the city of New York as special officers, senior special officers, supervising special officers and principal special officers;
- (vi) persons employed by the taxi and limousine commission of the city of New York as taxi and limousine inspectors, supervising taxi and limousine inspectors, senior taxi and limousine inspectors and associate taxi and limousine inspectors;
- (vii) persons employed by the department of transportation of the city of New York as parking control specialists and associate parking control specialists;
- (viii) persons employed by the department of parks and recreation of the city of New York as urban park rangers and associate urban park rangers; and
- (ix) persons employed by the department of finance of the city of New York as deputy sheriffs, supervising deputy sheriffs and administrative sheriffs.

§ 4. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of

the remaining portions of this law, which remaining portions shall continue in full force and effect.

§5. This local law shall take effect immediately upon its enactment into law.

THC - 3/24/05