



NYSPELRA Newsletter: August 2007

NYSPELRA OFFICERS ELECTED FOR 2007-2008

At the 33rd Annual Training Conference held in Saratoga Springs July 23-25, attended by 142 individuals, members in attendance elected these individuals as your officers for the coming year:

President: John Corcoran, Esq.; Hancock & Estabrook; Syracuse

President Elect: Terence O'Neil, Esq.; Bond, Schoeneck & King; Garden City

Past President: Louis R. Giardina; Labor Relations Manager; Niagara Frontier Transportation Authority

Secretary/Treasurer: Jack Kalinkewicz; Deputy Personnel Officer for Saratoga County

Vice-President, Region 1: Lisa Baisley; Personnel Officer, Town of Huntington

Vice-President, Region 2: Elayne G. Gold, Esq.; partner, Roemer, Wallens & Mineaux; Albany

Vice-President, Region 3: Patricia Dunn, Esq.; Assistant City Attorney for the City of Ithaca

Vice-President, Region 4: Marilyn Fiore-Nieves, Esq.; Corporation Counsel; City of Jamestown

Board members at large:

Jenifer Barr; Director of Employee Relations; Roswell Park Cancer Institute; Buffalo

William L. Holcomb; labor consultant; Tonawanda

Walter J. Pellegrini; Counsel, Governor's Office of Employee Relations; Albany

Joyce Tarantino, Esq.; Human Resource Director; Town of Colonie

Board member Ex-officio: Paul Hutchins; Senior Director, Labor Productivities; NYC Transit Authority; NPELRA Board member

The recipient of the William L. Holcomb award for Public Service in Labor Relations was Elayne Gold. Every year at the Annual Conference, the Association recognizes one or more labor relations or human resources official(s) having a responsibility for their jurisdiction's labor relations or human resources who have demonstrated exceptional achievement or singular public service in advocating on behalf of public employers and the citizens of New York.

LEGISLATIVE UPDATE

The Governor has acted on these bills which were recently sent to him. The text of any bill signed into law or veto message is available on the NYS Senate web site. Click on "Bills and Laws" and then either "Chapters" or "Vetoes".

- A. 6112-D, which adds municipalities and school districts as covered employers under Civil Service Law, §159-b to provide employees with a maximum of 4 hours of leave annually for breast cancer screening and adds counties, municipalities, and school districts as covered employers under Civil Service Law, §159-c to provide employees with a maximum of 4 hours of leave annually for prostate cancer screening. Both amendments provide that the leave cannot be charged to any accrued paid leave. However, the sponsors' memo on the bill indicates that the bill would have no fiscal implications to local governments. Chapter 111, effective 8/2/07;
- S. 2307-A, which will require municipalities with paid firefighters to provide safety ropes and training for their use. Estimates from the City of Buffalo indicate a cost in excess of \$1 million. Chapter 433, effective September 30, 2007;
- A. 5984-A, creating a new employer improper practice for a refusal to provide any public employee with a right of representation if, during questioning by superiors, the employee believes that he or she may be the subject of potential disciplinary action. Chapter 244, effective 7/18/07;
- S. 1617, which would have increased the amount of leave allowed for an occupational injury under Civil Service Law, §71 from 12 months to 18 months. Veto No. 20;
- S. 3917, which would have increased the mandatory retirement age for police and firefighters who elect and to have elected the §384-d plan from 62 to 65. Veto No. 29;
- S. 4357, which would have required that an independent hearing officer be appointed in any §75 discipline case where the penalty is a termination. Would only have applied to those represented by a union. Veto No. 33;
- S. 1616, which would have prohibited municipalities from contracting with private entities for fire protection. Veto No. 89;
- S. 5295, which would have amended Civil Service Law, §201 to make discipline and disciplinary procedures, including alternatives to any statutory discipline provision a mandatory subject of negotiation. The bill was passed in an attempt to overturn a 2006 decision of the Court of Appeals which held that special statutes and charter provisions addressing discipline were not a mandatory subject of negotiation and, if any modifications had been negotiated into a labor agreement, the changes were null and void. Police officers are the primary class of individuals affected by the court decision by virtue of language contained in municipal charters and in the Second Class Cities Law, §137; the Town Law, §155; and the Village Law, §8-804. In issuing Veto No. 1 of a similar bill earlier this year, the Governor identified certain conditions which any bill to make discipline and mandatory subject of negotiations must contain in order to avoid a veto. This bill only contained one of those conditions. Veto No. 96;
- S. 6030 and S. 6031-A, which would have prohibited any public employer from diminishing the health insurance benefits of retirees and their dependents or increasing retiree contributions unless a corresponding change were to be adopted for the corresponding group of active employees. Veto No. 119 and Veto No. 120.
- A. 2757, which would have amended General Municipal Law, §208-f to provide that the special accidental death benefit for police officers, paid firefighters, New York City correction officers, deputy sheriffs, and specified others would be paid to the dependent parent or parents of the individual, should there be no surviving spouse or qualified child. The bill would have been retroactive to September 1, 1978. Because this bill did not amend the Retirement and Social Security Law, no estimate of the cost for employers was required nor was there any ready estimate of the number of potential beneficiaries. Veto No. 126; and
- all temporary retirement benefits due to expire on June 30, 2007 were extended for two years until June 30, 2009. In addition, the injunctive relief law; the compulsory arbitration law for cities, towns, and villages; and the agency shop requirement were all extended until June 30, 2009.