

4478

2011-2012 Regular Sessions

I N S E N A T E

April 6, 2011

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the civil service law, in relation to freezing salary or wage increases of employees of the state and authorizing municipal corporations to institute such wage freezes for their employees; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and declarations. The legislature
2 hereby finds and determines that real property taxes in New York state
3 are too high, and that the burden that they place upon our citizens,
4 homeowners and businesses, is making it difficult for New York state to
5 thrive, prosper and succeed.
6 The legislature further finds and determines that the only way to
7 realistically reduce the real property tax burden upon our citizens,
8 homeowners and businesses, is to place a comprehensive approach in state
9 law which controls costs and spending for local governments, and
10 provides significant mandate relief with respect to their fiscal obli-
11 gations.
12 The legislature also finds and determines that real property tax
13 relief and local government mandate reform must be achieved by estab-
14 lishing a comprehensive approach to reduce real property taxes across
15 the state, controlling government costs, and providing significant
16 mandate relief to local governments.
17 The legislature also finds, determines and declares that a fiscal
18 emergency exists in the state of New York. That the state's fiscal
19 condition, and that of its municipalities, has been significantly weak-
20 ened by the impact of the national economic recession. This has led to a
21 structural imbalance between revenues and expenditures which has

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

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1 contributed to New York becoming one of the highest taxed states in the
2 nation.

3 The legislature additionally finds, determines and declares that the
4 state, and many of its municipalities, are in a state of fiscal crisis,
5 and that the welfare of taxpayers in the state is seriously threatened.
6 As a result, the state, and its municipalities, are experiencing extreme
7 pressures to continue to provide adequate infrastructure and core
8 services to their residents while also ensuring that taxes remain
9 affordable.

10 The legislature further finds, determines and declares that a combina-
11 tion of enhanced budgetary discipline and short-term budgetary relief is
12 necessary to assist the state, and its municipalities, as well as
13 taxpayers to facilitate a return to fiscal and economic stability, while
14 ensuring adequate funding for the provision of essential services.

15 S 2. The general municipal law is amended by adding a new section 25
16 to read as follows:

17 S 25. WAGE FREEZE. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO
18 THE CONTRARY, ANY MUNICIPAL CORPORATION, BY LOCAL LAW OF THE GOVERNING
19 BODY OF THE MUNICIPAL CORPORATION, MAY FREEZE AND SUSPEND FOR A PERIOD
20 OF NOT MORE THAN ONE YEAR, ALL INCREASES IN SALARY OR WAGES OF EMPLOYEES
21 OF THE MUNICIPAL CORPORATION, WHICH WOULD OTHERWISE TAKE EFFECT AFTER
22 THE EFFECTIVE DATE OF THIS SECTION, PURSUANT TO COLLECTIVE BARGAINING
23 AGREEMENTS, OTHER ANALOGOUS CONTRACTS OR INTEREST ARBITRATION AWARDS,
24 NOW IN EXISTENCE OR HEREAFTER ENTERED INTO. ADDITIONALLY, ANY MUNICIPAL
25 CORPORATION, BY LOCAL LAW OF THE GOVERNING BODY OF THE MUNICIPAL CORPO-
26 RATION, MAY FURTHER FREEZE AND SUSPEND FOR A PERIOD OF NOT MORE THAN ONE
27 YEAR, ALL INCREASED PAYMENTS FOR HOLIDAY AND VACATION DIFFERENTIALS,
28 SHIFT DIFFERENTIALS, SALARY ADJUSTMENTS ACCORDING TO PLAN AND STEP-UPS
29 OR INCREMENTS FOR SUCH EMPLOYEES. FOR THE PURPOSES OF COMPUTING THE
30 PENSION BASE OF RETIREMENT ALLOWANCES, ANY SUSPENDED SALARY OR WAGE
31 INCREASES AND ANY OTHER SUSPENDED PAYMENTS SHALL NOT BE CONSIDERED AS
32 PART OF COMPENSATION OR FINAL COMPENSATION OR OF ANNUAL SALARY EARNED OR
33 EARNABLE.

34 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
35 NO RETROACTIVE PAY ADJUSTMENTS OF ANY KIND SHALL ACCRUE OR BE DEEMED TO
36 ACCRUE DURING THE PERIOD OF WAGE FREEZE, AND NO SUCH ADDITIONAL AMOUNTS
37 SHALL BE PAID AT THE TIME A WAGE FREEZE IS LIFTED, OR AT ANY TIME THERE-
38 AFTER.

39 S 3. The civil service law is amended by adding a new section 137 to
40 read as follows:

41 S 137. WAGE FREEZE. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO
42 THE CONTRARY ALL INCREASES IN SALARY OR WAGES OF EMPLOYEES OF THE STATE,
43 WHICH WILL TAKE EFFECT AFTER THE EFFECTIVE DATE OF THIS SECTION PURSUANT
44 TO COLLECTIVE BARGAINING AGREEMENTS, OTHER ANALOGOUS CONTRACTS OR INTER-
45 EST ARBITRATION AWARDS, NOW IN EXISTENCE OR HEREAFTER ENTERED INTO,
46 REQUIRING SUCH SALARY OR WAGE INCREASES AS OF ANY DATE THEREAFTER ARE
47 SUSPENDED FOR A PERIOD OF ONE YEAR. FURTHER, ALL INCREASED PAYMENTS FOR
48 HOLIDAY AND VACATION DIFFERENTIALS, SHIFT DIFFERENTIALS, SALARY ADJUST-
49 MENTS ACCORDING TO PLAN AND STEP-UPS OR INCREMENTS FOR EMPLOYEES OF THE
50 STATE WHICH WILL TAKE EFFECT AFTER THE DATE OF THE ORDER PURSUANT TO
51 COLLECTIVE BARGAINING AGREEMENTS, OTHER ANALOGOUS CONTRACTS OR INTEREST
52 ARBITRATION AWARDS REQUIRING SUCH INCREASED PAYMENTS AS OF ANY DATE
53 THEREAFTER ARE, IN THE SAME MANNER, SUSPENDED FOR A PERIOD OF ONE YEAR.
54 FOR THE PURPOSES OF COMPUTING THE PENSION BASE OF RETIREMENT ALLOWANCES,
55 ANY SUSPENDED SALARY OR WAGE INCREASES AND ANY OTHER SUSPENDED PAYMENTS

1 SHALL NOT BE CONSIDERED AS PART OF COMPENSATION OR FINAL COMPENSATION OR
2 OF ANNUAL SALARY EARNED OR EARNABLE.

3 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
4 NO RETROACTIVE PAY ADJUSTMENTS OF ANY KIND SHALL ACCRUE OR BE DEEMED TO
5 ACCRUE DURING THE PERIOD OF WAGE FREEZE, AND NO SUCH ADDITIONAL AMOUNTS
6 SHALL BE PAID AT THE TIME A WAGE FREEZE IS LIFTED, OR AT ANY TIME THERE-
7 AFTER.

8 S 4. Preference of appeals. If any section, part or provision of this
9 act shall be adjudged unconstitutional or invalid or ineffective by any
10 court of this state, any party in interest shall have a direct appeal as
11 of right to the court of appeals of the state of New York, and such
12 appeal shall have preference over all other causes. Service upon the
13 adverse party of a notice of appeal shall stay the effect of the judg-
14 ment or order appealed from pending the hearing and determination of the
15 appeal.

16 S 5. This act shall take effect immediately and shall expire and be
17 deemed repealed one year after such effective date.