

6568

I N S E N A T E

February 28, 2012

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Finance

AN ACT in relation to establishing a special commission on compensation
for state employees designated managerial or confidential, and provid-
ing for its powers and duties

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

1 Section 1. (a) On the first of April of every fourth year, commencing
2 April 1, 2012, there shall be established for such year a commission on
3 managerial or confidential state employee compensation to examine, eval-
4 uate and make recommendations with respect to adequate levels of compen-
5 sation and non-salary benefits for managerial or confidential state
6 employees. In accordance with the provisions of this section, the
7 commission shall:
8 (i) examine the prevailing adequacy of pay levels and non-salary bene-
9 fits received by managerial or confidential employees of the state and
10 determine whether any of such pay levels warrant adjustment; and
11 (ii) determine whether, for any of the four years commencing on the
12 first of April of such years, following the year in which the commission
13 is established, the annual salaries for the managerial or confidential
14 employees of the state warrant adjustment.
15 In discharging its responsibilities under paragraphs (i) and (ii) of
16 this subdivision, the commission shall take into account all appropriate
17 factors including, but not limited to: the administrative withholding of
18 managerial or confidential employee salary increases pursuant to chapter
19 10 of the laws of 2008; the overall economic climate; rates of
20 inflation; changes in public-sector spending; the levels of compensation
21 and non-salary benefits received by unionized state employees; the main-
22 tenance of or attainment of proper salary differential between supervi-
23 sors and their subordinates; the levels of compensation and non-salary
24 benefits received by professionals in government, and academia and
25 private and nonprofit enterprise.
26 (b) The commission shall consist of seven members to be appointed as
27 follows: three shall be appointed by the governor; one shall be
28 appointed by the temporary president of the senate; one shall be
29 appointed by the speaker of the assembly; one shall be appointed by the
30 comptroller; and one shall be appointed by the Organization of NYS

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

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1 Management Confidential Employees. The governor shall designate the
2 chair of the commission from among the members so appointed. Vacancies
3 in the commission shall be filled in the same manner as original
4 appointments. To the extent practicable, members of the commission shall
5 have experience in one or more of the following: determination of execu-
6 tive compensation, human resource administration and financial manage-
7 ment.

8 (c) The commission may meet, hold public hearings and shall have all
9 the powers of a legislative committee pursuant to the legislative law.

10 (d) The members of the commission shall receive no compensation for
11 their services but shall be allowed their actual and necessary expenses
12 incurred in the performance of their duties hereunder.

13 (e) No member of the commission shall be disqualified from holding any
14 other public office or employment, nor shall he or she forfeit any such
15 office or employment by reason of his or her appointment pursuant to
16 this section, notwithstanding the provisions of any general, special or
17 local law, regulation, ordinance or city charter.

18 (f) To the maximum extent feasible, the commission shall be entitled
19 to request and receive and shall utilize and be provided with such
20 facilities, resources and data of any court, department, division,
21 board, bureau, commission, agency, office or public authority of the
22 state or any political subdivision thereof as it may reasonably request
23 to carry out properly its powers and duties pursuant to this section.

24 (g) The commission may request, and shall receive, reasonable assist-
25 ance from state agency personnel as necessary for the performance of its
26 functions.

27 (h) The commission shall make a report to the governor and the legis-
28 lature of its findings, conclusions, determinations and recommendations,
29 if any, not later than one hundred fifty days after its establishment.
30 Each recommendation made to implement a determination pursuant to para-
31 graph (ii) of subdivision (a) of this section shall have the force of
32 law, and shall supersede inconsistent provisions of article 8 of the
33 civil service law, unless modified or abrogated by statute prior to
34 April first of the year as to which such determination applies.

35 (i) Upon the making of its report as provided in subdivision (h) of
36 this section, each commission established pursuant to this section shall
37 be deemed dissolved.

38 S 2. Notwithstanding the provisions of this act or of any other law,
39 each increase in salary or compensation of any officer or employee
40 provided by this act shall be added to the salary or compensation of
41 such officer or employee at the beginning of that payroll period the
42 first day of which is nearest to the effective date of such increase as
43 provided in this act, or at the beginning of the earlier of two payroll
44 periods the first days of which are nearest but equally near to the
45 effective date of such increase as provided in this act; provided,
46 however, the payment of such salary increase pursuant to this section on
47 a date prior thereto instead of on such effective date, shall not oper-
48 ate to confer any additional salary rights or benefits on such officer
49 or employee.

50 S 3. The annual salaries as prescribed pursuant to this act for state
51 employees designated managerial or confidential whenever adjusted pursu-
52 ant to the provisions of this act, shall be rounded up to the nearest
53 multiple of one hundred dollars.

54 S 4. This act shall take effect immediately.