

STATE OF NEW YORK

8805

IN SENATE

May 18, 2018

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and
when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to salary
adjustments according to plan and step-ups or increments

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 3 of section 3669 of the
2 public authorities law, as added by chapter 84 of the laws of 2000, is
3 amended to read as follows:

4 (a) During a control period, upon a finding by the authority that a
5 wage freeze is essential to the adoption or maintenance of a county
6 budget or a financial plan that is in compliance with this title, the
7 authority, after enactment of a resolution so finding, may declare a
8 fiscal crisis. Upon making such a declaration, the authority shall be
9 empowered to order that all increases in salary or wages of employees of
10 the county and employees of covered organizations which will take effect
11 after the date of the order pursuant to collective bargaining agree-
12 ments, other analogous contracts or interest arbitration awards, now in
13 existence or hereafter entered into, requiring such salary increases as
14 of any date thereafter are suspended. Such order may also provide that
15 all increased payments for holiday and vacation differentials, and shift
16 differentials[, ~~salary adjustments according to plan and step-ups or~~
17 ~~increments~~] for employees of the county and employees of covered organ-
18 izations which will take effect after the date of the order pursuant to
19 collective bargaining agreements, other analogous contracts or interest
20 arbitration awards requiring such increased payments as of any date
21 thereafter are, in the same manner, suspended. Such order may also
22 provide that all increased payments for salary adjustments according to
23 plan and step-ups or increments be suspended; provided, however, when
24 (i) the county executive provides a four year financial plan approved by
25 the county legislature pursuant to paragraph (a) of subdivision two of
26 section thirty-six hundred sixty-seven of this title and the authority
27 determines, pursuant to paragraph (b) of such subdivision, that such
28 financial plan is complete and complies with the standards set forth in

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

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1 such subdivision, and (ii) the authority makes a certification to the
2 county setting forth revenue estimates agreed to by the authority in
3 accordance with such determination, the salary adjustments according to
4 plan and step-ups or increments, not including cost of living increases,
5 shall not be suspended for each year in which the four year financial
6 plan has been certified. This section shall be applicable to county
7 employees and employees of covered organizations, whether or not they
8 are covered by a collectively negotiated agreement, if an individual
9 employee or members of an employee's bargaining unit previously partic-
10 ipated in a wage freeze implemented by the authority under this section
11 and such wage freeze was subsequently lifted by the authority by the
12 issuance of a resolution, pursuant to paragraph (b) of subdivision three
13 of section thirty-six hundred sixty-nine of this title, certifying that
14 the suspension of their wage increases or an agreement by the collective
15 bargaining representative or by such unrepresented employee was an
16 acceptable and appropriate contribution toward alleviating the fiscal
17 crisis of the county. For the purposes of computing the pension base of
18 retirement allowances, any suspended salary or wage increases and any
19 suspended other payments shall not be considered as part of compensation
20 or final compensation or of annual salary earned or earnable. The
21 suspensions authorized hereunder shall continue until one year after the
22 date of the order and, to the extent of any determination of the author-
23 ity that a continuation of such suspensions, to a date specified by the
24 authority, is necessary in order to achieve the objectives of the finan-
25 cial plan, such suspensions shall be continued to the date specified by
26 the authority, which date shall in no event be later than the end of the
27 interim finance period, provided that such suspensions shall terminate
28 with respect to employees who have agreed to a deferral of salary or
29 wage increase upon the certification of the agreement by the authority
30 pursuant to paragraph (b) of this subdivision.

31 § 2. This act shall take effect immediately and shall be deemed to
32 have been in full force and effect on and after October 1, 2016.