

10318

I N A S S E M B L Y

March 18, 2010

Introduced by M. of A. CALHOUN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to removing the salary cap on district superintendents of BOCES

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

1 Section 1. Subparagraph 2 of paragraph a of subdivision 4 of section
2 1950 of the education law, as amended by chapter 698 of the laws of
3 2003, is amended to read as follows:
4 (2) Notwithstanding any inconsistent provision of law in no event
5 shall the total salary including amounts paid pursuant to section twen-
6 ty-two hundred nine of this chapter for district superintendents for
7 each school year through the two thousand two--two thousand three school
8 year exceed ninety-eight percent of that earned by the commissioner for
9 state fiscal year nineteen hundred ninety-two--ninety-three, and in no
10 event shall such total salary for a district superintendent for the two
11 thousand three--two thousand four school year or any subsequent school
12 year exceed: (i) one hundred six percent of the salary cap applicable in
13 the preceding school year, or (ii) ninety-eight percent of that earned
14 by the commissioner in the two thousand three--two thousand four state
15 fiscal year, whichever is less. PROVIDED, HOWEVER, THAT IF INDIVIDUAL
16 BOCES BOARDS OPT TO USE LOCAL FUNDS TO CREATE COMPENSATION AGREEMENTS
17 NECESSARY TO HIRE DISTRICT SUPERINTENDENTS, ANY PORTION OF THE STATE
18 CONTRIBUTION TO SUPPLEMENT SUCH SALARIES SHALL BE FORFEITED. In no event
19 shall any district superintendent be permitted to accumulate vacation or
20 sick leave credits in excess of the vacation and sick leave credits
21 managerial/confidential employees of the state are permitted to accumu-
22 late pursuant to regulations promulgated by the state civil service
23 commission, nor may any district superintendent at the time of separa-
24 tion from service be compensated for accrued and unused vacation cred-
25 its or sick leave, or use accrued and unused sick leave for retirement
26 service credit or to pay for health insurance in retirement, at a rate
27 in excess of the rate permitted to managerial/confidential employees of
28 the state pursuant to regulations of the state civil service commission.

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

LBD16355-02-0

1 In addition to the payment of supplementary salary, a board of cooper-
2 ative educational services may provide for the payment of all or a
3 portion of the cost of insurance benefits for the district superinten-
4 dent of schools, including but not limited to health insurance, disabil-
5 ity insurance, life insurance or any other form of insurance benefit
6 made available to managerial/confidential employees of the state;
7 provided that any such payments for whole life, split dollar or other
8 life insurance policies having a cash value shall be included in the
9 total salary of the district superintendent for purposes of this subpar-
10 agraph, and provided further that any payments for the employee contrib-
11 ution, co-pay or uncovered medical expenses under a health insurance
12 plan also shall be included in the total salary of the district super-
13 intendent. Notwithstanding any other provision of law, payments for
14 such insurance benefits may be based on the district superintendent's
15 total salary or the amount of his or her supplementary salary only. Any
16 payments for transportation or travel expenses in excess of actual,
17 documented expenses incurred in the performance of duties for the board
18 of cooperative educational services or the state, and any other lump sum
19 payment not specifically excluded from total salary pursuant to this
20 subparagraph, shall be included in the total salary of the district
21 superintendent for purposes of this subparagraph. Nothing herein shall
22 prohibit a district superintendent from waiving any rights provided for
23 in an existing contract or agreement as hereafter prohibited in favor of
24 revised compensation or benefit provisions as permitted herein. In no
25 event shall the terms of the district superintendent's contract, includ-
26 ing any provisions relating to an increase in salary, compensation or
27 other benefits, be contingent upon the terms of any contract or collec-
28 tive bargaining agreement between the board of cooperative educational
29 services and its teachers or other employees. The commissioner may adopt
30 regulations for the purpose of implementing the provisions of this para-
31 graph.

32 S 2. This act shall take effect immediately.