S T A T E O F N E W Y O R K

3741

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sen. OPPENHEIMER -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the compensation of district superintendents of schools by boards of cooperative educational services; and to repeal subparagraph 2 of paragraph a of subdivision 4 of section 1950 and section 2212-b of such law, relating thereto

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

Section 1. Subparagraph 1 of paragraph a of subdivision 4 of section 1950 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(1) Appoint a district superintendent of schools in the manner provided in section twenty-two hundred four of this [chapter] TITLE, and in its discretion to provide for the payment of supplementary salary AND BENEFITS to the district superintendent of schools by the supervisory district BY MUTUAL AGREEMENT, SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH TWO OF THIS PARAGRAPH. The term of any employment contract or agreement between a district superintendent and the board of cooperative educational services that is entered into or amended on or after the effective date of this subparagraph shall not exceed three years. Copies of employment contracts and amendments to such contracts entered into pursuant to this paragraph shall be filed with the commissioner within five days of execution.

S 2. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of the education law is REPEALED and a new subparagraph 2 is added to read as follows:

(2) BY MUTUAL AGREEMENT WITH THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, A DISTRICT SUPERINTENDENT MAY ACCUMULATE VACATION OR SICK LEAVE CREDITS OR PERSONAL LEAVE CREDITS IN EXCESS OF THE VACATION AND

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

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SICK LEAVE CREDITS OR PERSONAL LEAVE CREDITS MANAGERIAL/CONFIDENTIAL EMPLOYEES OF THE STATE ARE PERMITTED TO ACCUMULATE PURSUANT TO REGULATIONS PROMULGATED BY THE STATE CIVIL SERVICE COMMISSION, PROVIDED THAT THE STATE SHALL NOT BE REQUIRED TO PAY THE COST OF ANY SUCH LEAVE ACCRUED IN EXCESS OF THE RATES APPLICABLE TO MANAGERIAL/CONFIDENTIAL EMPLOYEES OF THE STATE; AND FURTHER PROVIDED THAT A DISTRICT SUPERINTENDENT AT THE TIME OF SEPARATION FROM SERVICE OR THEREAFTER, MAY NOT BE COMPENSATED FOR ACCRUED AND UNUSED VACATION CREDITS OR SICK LEAVE OR PERSONAL LEAVE CREDITS, OR USE ACCRUED AND UNUSED SICK LEAVE FOR RETIREMENT SERVICE CREDIT OR TO PAY FOR HEALTH INSURANCE IN RETIREMENT, AT A RATE IN EXCESS OF THE RATE PERMITTED TO MANAGERIAL/CONFIDENTIAL EMPLOYEES OF THE STATE PURSUANT TO REGULATIONS OF THE STATE CIVIL SERVICE COMMISSION. IN ADDITION TO THE PAYMENT OF SUPPLEMENTARY SALARY, A BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY PROVIDE FOR THE PAYMENT OF ALL OR A PORTION OF THE COST OF INSURANCE BENEFITS FOR THE DISTRICT SUPERINTENDENT OF SCHOOLS, INCLUDING BUT NOT LIMITED TO: HEALTH INSURANCE, DISABILITY INSURANCE, LIFE INSURANCE OR ANY OTHER FORM OF INSURANCE BENEFIT DURING THE DISTRICT SUPERINTENDENT'S TERM OF SERVICE OR IN RETIREMENT. IN NO EVENT SHALL THE TERMS OF THE DISTRICT SUPERINTENDENT'S CONTRACT, INCLUDING ANY PROVISIONS RELATING TO AN INCREASE IN SALARY, COMPENSATION OR OTHER BENEFITS, BE CONTINGENT UPON THE TERMS OF ANY CONTRACT OR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES AND ITS TEACHERS OR OTHER EMPLOYEES. THE COMMISSIONER MAY ADOPT REGULATIONS FOR THE PURPOSE OF IMPLEMENTING THE PROVISIONS OF THIS PARAGRAPH.

S 3. Section 2212-b of the education law is REPEALED.

S 4. This act shall take effect immediately.