

4569

2009-2010 Regular Sessions

I N S E N A T E

April 24, 2009

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the general municipal law, the retirement and social security law and the administrative code of the city of New York, in relation to not including overtime in pension computation for persons hired after January 1, 2010

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

1 Section 1. Section 90 of the general municipal law, as amended by
2 chapter 576 of the laws of 1964, is amended to read as follows:
3 S 90. Payment of overtime compensation to public officers or employ-
4 ees. The governing board of each municipal corporation or other civil
5 division or political subdivision of the state, or in the city of New
6 York, the mayor, by ordinance, local law, resolution, order or rule, may
7 provide for the payment of overtime compensation to any or all public
8 officers except elective officers and those officers otherwise excluded
9 by law and to any or all public employees under their jurisdiction at
10 the regular basic pay rate of such officers or employees for all time
11 such officers or employees are required to work in excess of their regu-
12 larly established hours of employment or at such other rate as such
13 governing board, or in the city of New York, the mayor, may authorize.
14 [The] FOR EMPLOYEES HIRED BEFORE JANUARY FIRST, TWO THOUSAND TEN,
15 amounts received as overtime compensation under this section shall be
16 regarded as salary or compensation for any of the purposes of any
17 pension or retirement system of which the officer or employee receiving
18 the same is a member. Such overtime compensation shall not be regarded
19 as salary or compensation for the purpose of determining the right to
20 any increase of salary or any salary increment on account of length of
21 service or otherwise. No such overtime compensation shall be construed
22 to constitute a promotion.

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

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1 S 2. Subdivision 2 of section 2 of the retirement and social security
2 law is amended by adding a new paragraph c to read as follows:

3 C. FOR MEMBERS HIRED ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN,
4 SALARY OR WAGES SHALL NOT INCLUDE AMOUNTS RECEIVED AS OVERTIME COMPEN-
5 SATION.

6 S 3. Subdivision 2 of section 302 of the retirement and social securi-
7 ty law is amended by adding a new paragraph c to read as follows:

8 C. FOR MEMBERS HIRED ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN,
9 SALARY OR WAGES SHALL NOT INCLUDE AMOUNTS RECEIVED AS OVERTIME COMPEN-
10 SATION.

11 S 4. Section 12-108 of the administrative code of the city of New York
12 is amended to read as follows:

13 S 12-108 Overtime work by officers or employees and additional compen-
14 sation therefor. Notwithstanding the provisions of any other statute,
15 general, special or local, the mayor may authorize the head of any agen-
16 cy to require any officer or employee in such agency or any class or
17 group of officers or employees in such agency to work in excess of the
18 maximum number of hours of employment prescribed for such officer or
19 employee or class or group of officers or employees by any statute,
20 general, special or local, provided that each such officer or employee
21 shall be paid overtime compensation for such work at not less than his
22 or her regular basic pay rate. [The] FOR EMPLOYEES HIRED BEFORE JANUARY
23 FIRST, TWO THOUSAND TEN, amounts received as overtime compensation
24 pursuant to the provisions of this section shall be regarded as salary
25 or compensation for the purposes of any pension or retirement system of
26 which the employee receiving such overtime compensation is a member.
27 Such overtime compensation shall not be regarded as salary or compen-
28 sation for the purpose of determining the right to any increase of sala-
29 ry or any salary increment on account of length of service or otherwise,
30 nor shall the payment of such overtime compensation be construed to
31 constitute a promotion.

32 S 5. This act shall take effect immediately.