

5247

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and
when printed to be committed to the Committee on Local Government

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 compensation in pension computation
earned after March thirty-first, two thousand ten

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 amounts received as overtime] OVERTIME compensation RECEIVED under
15 this section, PRIOR TO APRIL FIRST, TWO THOUSAND TEN, shall be regarded
16 as salary or compensation for any of the purposes of any pension or
17 retirement system of which the officer or employee receiving the same is
18 a member. Such overtime compensation shall not be regarded as salary or
19 compensation for the purpose of determining the right to any increase of
20 salary or any salary increment on account of length of service or other-
21 wise. No such overtime compensation shall be construed to constitute a
22 promotion.

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

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1 S 2. Paragraph a of subdivision 2 of section 2 of the retirement and
2 social security law is amended to read as follows:

3 a. The salary or wages annually earnable by a member, including main-
4 tenance, or any allowance in lieu thereof, received by the member BUT
5 NOT INCLUDING AMOUNTS RECEIVED AS OVERTIME COMPENSATION ON OR AFTER
6 APRIL FIRST, TWO THOUSAND TEN.

7 S 3. Paragraph a of subdivision 2 of section 302 of the retirement
8 and social security law, as added by chapter 1000 of the laws of 1966,
9 is amended to read as follows:

10 a. The salary or wages annually earnable by a member, including main-
11 tenance, or any allowance in lieu thereof, received by the member BUT
12 NOT INCLUDING AMOUNTS RECEIVED AS OVERTIME COMPENSATION ON OR AFTER
13 APRIL FIRST, TWO THOUSAND TEN.

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

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

35 S 5. This act shall take effect immediately.