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

8477

I N S E N A T E

August 25, 2010

Introduced by Sen. STAVISKY -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to provide for the adjustment of stipends of certain incumbents in the state university of New York and designating moneys therefor; to continue a doctoral program recruitment and retention enhancement fund; to continue an employee assistance program; to continue a professional development committee; to continue a comprehensive college graduate program recruitment and retention fund; to continue a fee mitigation fund; to continue a downstate location fund; to continue a joint labor management advisory board and to create an accidental death benefit

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

Section 1. Adjustment to stipends of certain incumbents in the state university of New York. a. The stipends as of academic year 2007-2008 for incumbents of positions in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2007, shall be increased by three percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2007. "Incumbent," as referenced in this subdivision and subdivision b of this section, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York on or after July 2, 2007, and are also employed by the state university of New York at the time of payment or are matriculated at the same campus in which they were employed at the time of payment.

b. The stipends as of academic year 2008-2009 for incumbents of positions in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article

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

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14 of the civil service law, on September 30, 2008, shall be increased by three percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2008.

c. (i) This subdivision shall apply to employees in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law.

(ii) The minimum stipend for academic year 2007-2008 shall increase by three percent to eight thousand three hundred thirty-six dollars annually for employees on full assistantships at university center campuses effective concurrent with the effective date of the increase in subdivision a of this section commencing the beginning of the payroll period the first day of which is nearest to October 1, 2007.

(iii) The minimum stipend for academic year 2008-2009 shall increase by three percent to be eight thousand five hundred eighty-six dollars annually for employees on full assistantships at university center campuses effective concurrent with the effective date of the increase in subdivision b of this section commencing the beginning of the payroll period the first day of which is nearest to October 1, 2008.

(iv) Nothing herein shall prevent the state university of New York, in its discretion, from increasing amounts paid to incumbents of positions of the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law in addition to the minimum stipend provided, however, that the amounts required for such other increases and the cost of fringe benefits attributable to such other increases, as determined by the comptroller, are made available to the state in accordance with procedures established by the state university of New York.

d. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the chancellor of the state university of New York, the director of the budget, and the director of the governor's office of employee relations, such increase is not warranted or is not appropriate.

S 2. Doctoral program recruitment and retention enhancement fund. There is hereby continued, within the state university of New York, a doctoral program recruitment and retention enhancement fund from the amounts appropriated herein. Such fund shall be used to enhance employee compensation for the purpose of recruitment and retention of new and existing doctoral students in selected programs. The specific doctoral programs eligible for enhanced compensation pursuant to this section shall be at the discretion of the state university of New York. However, each doctoral degree granting university campus of the state university of New York shall receive an allocation from such fund in an amount proportionate to the total number of employees at such campus. To be eligible for a payment for recruitment and retention initiatives, an employee must have been employed on or after July 2, 2007 and must be employed at the time of payment. This program shall expire July 1, 2009.

S 3. Comprehensive college graduate program recruitment and retention fund. There is hereby continued, within the state university of New York, a comprehensive college graduate program recruitment and retention fund from the amounts appropriated herein. Such fund shall be used to enhance employee compensation for the purpose of recruitment and retention of new and existing graduate students in selected degree

programs. The specific graduate degree programs eligible for enhanced compensation pursuant to this section shall be at the discretion of the state university of New York. Each campus shall receive an allocation from such appropriation proportionate to the total number of employees at such campus. To be eligible for a payment for recruitment and retention initiatives, an employee must have been employed on or after July 2, 2007 and must be employed at the time of payment. This program shall expire July 1, 2009.

S 4. Fee mitigation fund. There is hereby continued, within the state university of New York, a fee mitigation fund from the amounts appropriated herein. Such fund shall be used for the purpose of funding the cost of various fees, including but not limited to technology fees. The specific fee mitigation initiatives funded pursuant to this section shall be at the discretion of the state university of New York. Each campus shall receive an allocation from such appropriation proportionate to the total number of employees at such campus. To be eligible for such payment, an employee must be employed at the time of payment. This program shall expire July 1, 2009.

S 5. Downstate location fund. There is hereby continued, with the state university of New York, a downstate location fund from the amounts appropriated herein. Such fund shall be used for the purpose of funding location adjustments in the downstate area for employees whose work site is New York city, Suffolk, Nassau, Rockland, Westchester, Dutchess, Putnam, or Orange counties. The specific location adjustments funded pursuant to this section shall be at the discretion of the state university of New York. Each campus shall receive an allocation from such appropriation proportionate to the total number of employees at such campus. To be eligible for such payment, an employee must be employed at the time of payment. This program shall expire July 1, 2009.

S 6. Joint labor management advisory board. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, there shall be continued a joint labor management advisory board to study and make recommendations concerning issues of family benefits and implement agreements that may be entered into between the state and such employee organization concerning such issues within the appropriations made available therefor.

S 7. Employee assistance program. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, there shall be continued an employee assistance program to be administered in accordance with such agreement within the appropriations made available therefor. This program shall expire July 1, 2009.

S 8. Professional development committee. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, there shall be continued a professional development committee to review, make recommendations and implement programs for professional development. Such program shall be administered in accordance with such agree-

ment within the appropriations made available therefor. This program shall expire July 1, 2009.

S 9. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment of grievance and arbitration settlements and awards provided for in the collective negotiating agreement between the state and employee organization representing the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law.

S 10. Accidental death benefit. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, there shall be created a death benefit in the amount of fifty thousand dollars, in the event an employee dies on or after July 2, 2007 as the result of an accidental on-the-job injury and a death benefit is paid pursuant to the workers' compensation law, payable by the state to the employee's surviving spouse and children to whom the workers' compensation accidental death benefit is paid, or to the employee's estate, and in the same proportion as the workers' compensation accidental death benefit is paid. Such program shall be administered in accordance with such agreement within the appropriations made available therefor.

S 11. The stipend increases and benefit modifications provided for by this act for state employees in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations has delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to such negotiating unit a collective negotiating agreement which provides for such increases and modifications and which is ratified and fully executed in writing with the state pursuant to article 14 of the civil service law.

S 12. Date of entitlement to stipend increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the stipend increase of any member of the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, as provided by this act, shall be added to the stipend of such member at the beginning of the payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that for the purposes of determining the stipend of such employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement or other change of status, such stipend increase shall be deemed to be effective on the date thereof as prescribed by this act, and the payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, shall not operate to confer any additional compensation rights or benefits on such employee. Payment of such stipend increase may be deferred pursuant to section thirteen of this act.

S 13. Deferred payment of stipend increase. Notwithstanding the provisions of this act, or of any other provision of law to the contrary, pending payment of stipends pursuant to this act for incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the stipends otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from July 2, 2007, until the time when stipend increases are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the stipend to which such incumbent is entitled for such service and the stipend actually received therefor. Such lump sum payment shall be made as soon as practicable.

S 14. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2010 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether occurring prior to or during the state fiscal year commencing April 1, 2010.

S 15. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section are hereby appropriated from the funds so designated for use by any state department or agency for the fiscal year beginning April 1, 2010 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2010 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2009. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2010. No money shall be available for expenditure from this appropriation until a certification of approval has been issued by the director such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund - State Purposes Account

PERSONAL SERVICE

Personal Service 7,322,000

MAINTENANCE UNDISTRIBUTED

Fringe Benefits 632,000
Doctoral Program Recruitment and Retention
Enhancement Fund 1,312,000
Comprehensive College Graduate Program
Recruitment and Retention Fund 383,000
Fee Mitigation Fund 1,133,000
Downstate Location Fund 688,000
Family Benefits Program 164,000
Statewide Professional Development Committee ... 328,000
Employee Assistance Program 22,000

Special Revenue Funds - Other
State University Income Fund - 345

Personal Service 869,000
Non-Personal Service 429,000

Miscellaneous Special Revenue Fund - 339

Personal Service 62,000
Non-Personal Service 31,000

Combined Expendable Trust Fund - 020

Personal Service 1,000

Special Revenue Funds - Federal
Federal Education Fund - 267

Personal Service 5,000
Non-Personal Service 3,000

S 16. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 2, 2007.