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

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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:

Section 1. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of the education law, as amended by chapter 698 of the laws of 2003, is amended to read as follows:

(2) Notwithstanding any inconsistent provision of law in no event shall the total salary including amounts paid pursuant to section twenty-two hundred nine of this chapter for district superintendents for each school year through the two thousand two--two thousand three school year exceed ninety-eight percent of that earned by the commissioner for state fiscal year nineteen hundred ninety-two--ninety-three, and in no event shall such total salary for a district superintendent for the two thousand three--two thousand four school year or any subsequent school year exceed: (i) one hundred six percent of the salary cap applicable in the preceding school year, or (ii) ninety-eight percent of that earned by the commissioner in the two thousand three--two thousand four state fiscal year, whichever is less. PROVIDED, HOWEVER, THAT IF INDIVIDUAL BOCES BOARDS OPT TO USE LOCAL FUNDS TO CREATE COMPENSATION AGREEMENTS NECESSARY TO HIRE DISTRICT SUPERINTENDENTS, ANY PORTION OF THE STATE CONTRIBUTION TO SUPPLEMENT SUCH SALARIES SHALL BE FORFEITED. In no event shall any district superintendent be permitted to accumulate vacation or sick leave credits in excess of the vacation and sick leave credits managerial/confidential employees of the state are permitted to accumulate pursuant to regulations promulgated by the state civil service commission, nor may any district superintendent at the time of separation from service be compensated for accrued and unused vacation credits or sick leave, 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.

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

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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 made available to managerial/confidential employees of the state; provided that any such payments for whole life, split dollar or other life insurance policies having a cash value shall be included in the total salary of the district superintendent for purposes of this subparagraph, and provided further that any payments for the employee contribution, co-pay or uncovered medical expenses under a health insurance plan also shall be included in the total salary of the district superintendent. Notwithstanding any other provision of law, payments for such insurance benefits may be based on the district superintendent's total salary or the amount of his or her supplementary salary only. Any payments for transportation or travel expenses in excess of actual, documented expenses incurred in the performance of duties for the board of cooperative educational services or the state, and any other lump sum payment not specifically excluded from total salary pursuant to this subparagraph, shall be included in the total salary of the district superintendent for purposes of this subparagraph. Nothing herein shall prohibit a district superintendent from waiving any rights provided for in an existing contract or agreement as hereafter prohibited in favor of revised compensation or benefit provisions as permitted herein. 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 2. This act shall take effect immediately.