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

1347

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, GUNTHER, CUSICK -- Multi-Sponsored by -- M. of A. HEASTIE, KOON -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to payment of a relocation allowance to certain employees of the department of correctional services

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

Section 1. The state finance law is amended by adding a new section 205-a to read as follows:

S 205-A. PAYMENT OF RELOCATION ALLOWANCE TO CERTAIN EMPLOYEES OF THE DEPARTMENT OF CORRECTIONAL SERVICES. 1. (A) NOTWITHSTANDING THE PROVISIONS OF ANY LAW, RULE OR REGULATION TO THE CONTRARY, WHEN A CORRECTIONAL FACILITY IS CLOSED OR WHEN THERE IS A SUBSTANTIAL REDUCTION IN SERVICES AT A CORRECTIONAL FACILITY, ANY EMPLOYEE OF THE DEPARTMENT OF CORRECTIONAL SERVICES WHO THEREAFTER AS A RESULT THEREOF HAS A NEW PLACE OF EMPLOYMENT WITHIN THE DEPARTMENT OF CORRECTIONAL SERVICES SHALL BE GRANTED A RELOCATION ALLOWANCE IN ADDITION TO ANY EXPENSES FOR WHICH HE OR SHE IS ELIGIBLE TO RECEIVE PURSUANT TO SECTION TWO HUNDRED TWO OF THIS ARTICLE.

(B) FOR PURPOSES OF THIS SECTION, THE REQUIREMENT THAT AN EMPLOYEE HAVE A NEW PLACE OF EMPLOYMENT WITHIN THE DEPARTMENT OF CORRECTIONAL SERVICES SHALL BE SATISFIED IF THE EMPLOYEE'S NEW PLACE OF EMPLOYMENT IS AT LEAST THIRTY-FIVE MILES AS MEASURED OVER THE SHORTEST DISTANCE ALONG PUBLIC HIGHWAYS FROM (I) A CORRECTIONAL FACILITY WHICH WAS CLOSED OR AT WHICH THERE WAS A SUBSTANTIAL REDUCTION IN SERVICES; AND (II) THE EMPLOYEE'S RESIDENCE.

(C) FOR PURPOSES OF THIS SECTION, "CORRECTIONAL FACILITY" SHALL INCLUDE, BUT NOT BE LIMITED TO, A CORRECTIONAL FACILITY ANNEX OR OTHER DESIGNATED HOUSING UNIT.

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

LBD03450-01-9

(D) FOR PURPOSES OF THIS SECTION, A "SUBSTANTIAL REDUCTION IN SERVICES" SHALL MEAN:

(I) A REDUCTION IN THE NUMBER OF EMPLOYEES IN THE TITLE OF CORRECTION OFFICER, AS CLASSIFIED BY THE DEPARTMENT OF CIVIL SERVICE, AT A CORRECTIONAL FACILITY DURING ANY CALENDAR YEAR WHICH IN THE AGGREGATE FOR SUCH CALENDAR YEAR EQUALS TEN PERCENT OR MORE OF THE TOTAL NUMBER OF SUCH EMPLOYEES AT SUCH FACILITY ON THE LAST DAY OF THE IMMEDIATELY PRECEDING CALENDAR YEAR; OR

(II) A REDUCTION IN THE NUMBER OF INMATES AT A CORRECTIONAL FACILITY DURING ANY CALENDAR YEAR WHICH IN THE AGGREGATE FOR SUCH CALENDAR YEAR EQUALS TEN PERCENT OR MORE OF THE TOTAL NUMBER OF INMATES HOUSED IN SUCH FACILITY ON THE LAST DAY OF THE IMMEDIATELY PRECEDING CALENDAR YEAR.

2. SUCH ALLOWANCE SHALL EQUAL THREE PERCENT OF THE BASIC ANNUAL COMPENSATION OF SUCH EMPLOYEE IN THE POSITION TO WHICH HE OR SHE IS RELOCATED; PROVIDED, HOWEVER, THAT IN NO CASE SHALL SUCH ALLOWANCE EXCEED EIGHT HUNDRED DOLLARS.

3. NO PAYMENT SHALL BE MADE TO AN EMPLOYEE OTHERWISE ELIGIBLE TO RECEIVE A RELOCATION ALLOWANCE PURSUANT TO THIS SECTION UNLESS HE OR SHE SHALL AGREE IN WRITING TO RETURN TO THE STATE MONIES RECEIVED FOR SUCH EXPENSES IN THE EVENT THAT HE OR SHE RESIGNS OR VOLUNTARILY SEPARATES FROM THE POSITION TO WHICH HE OR SHE IS RELOCATED WITHIN ONE YEAR AFTER SUCH RELOCATION. THE RETURN OF SUCH FUNDS TO THE STATE SHALL NOT BE REQUIRED WHEN THE RESIGNATION OR VOLUNTARY SEPARATION IS THE RESULT OF A PROMOTION TO A HIGHER GRADE STATE POSITION IN THE SAME OCCUPATIONAL FIELD OCCURRING MORE THAN SIX MONTHS FOLLOWING THE RELOCATION, OR BY A PROMOTION AT ANY TIME IN THE SAME GEOGRAPHIC AREA IF HE OR SHE WOULD HAVE BEEN ELIGIBLE FOR A RELOCATION ALLOWANCE UPON SUCH PROMOTION TO SUCH POSITION HELD BY HIM OR HER IMMEDIATELY PRIOR TO THE RELOCATION FOR WHICH A RELOCATION ALLOWANCE WAS PAID. MONIES OWING TO THE STATE PURSUANT TO THIS SUBDIVISION MAY BE DEDUCTED FROM ANY MONIES DUE OR ACCRUING TO THE EMPLOYEE ON RESIGNATION OR SEPARATION OR, IF NECESSARY, MAY BE RECOVERED BY APPROPRIATE LEGAL PROCEEDINGS.

4. NOTHING IN THIS SECTION SHALL AFFECT OR IMPAIR THE ELIGIBILITY OF ANY EMPLOYEE FOR REIMBURSEMENT OF TRAVEL AND MOVING EXPENSES IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED TWO OF THIS ARTICLE.

5. RELOCATION ALLOWANCES PAID PURSUANT TO THIS SECTION SHALL BE PAYABLE FROM MONIES APPROPRIATED AND AVAILABLE TO THE DEPARTMENT OF CORRECTIONAL SERVICES. RELOCATION ALLOWANCES OF EMPLOYEES WHOSE SALARIES ARE PAID FROM A FUND OTHER THAN THE GENERAL FUND SHALL BE A PROPER CHARGE AGAINST SUCH OTHER FUND. SUCH ALLOWANCE SHALL NOT BE DEEMED TO CONSTITUTE SALARY FOR ANY OF THE PURPOSES OF THE CIVIL SERVICE LAW.

S 2. This act shall take effect immediately.