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

2447

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. PHEFFER, CLARK, GREENE -- Multi-Sponsored by -- M. of A. ABBATE, COOK, SEMINERIO, WEISENBERG -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the executive law, the civil service law, the correction law, the education law, the mental hygiene law, the military law, the public authorities law, the public officers law and the state finance law, in relation to redesignating the office of employee relations as the office of employee and retiree relations and establishing a bureau for retired employees

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

Section 1. Article 24 of the executive law, as added by chapter 491 of the laws of 1969, is amended to read as follows:

ARTICLE 24

OFFICE OF EMPLOYEE AND RETIREE RELATIONS

Section 650. Statement of policy.
651. Definition.
652. Office of employee AND RETIREE relations; director.
653. Powers and duties.
653-A. BUREAU FOR RETIRED EMPLOYEES.
654. Actions by other officers, departments, boards, commissions or agencies.

S 650. Statement of policy. The legislature hereby reaffirms its policy to promote harmonious and cooperative relationships between the state and its CURRENT AND RETIRED employees to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of state government; and recognizes that furtherance of such policy requires creation in the executive department of an office of employee AND RETIREE relations with staff and skills requisite to act as the governor's agent in conducting collective negotiations, INCLUDING MEASURES TO ADMINISTER TO THE NEEDS OF RETIRED STATE EMPLOYEES, to

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

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assure the proper implementation and administration of agreements reached pursuant to such negotiations, and to assist the governor and direct and coordinate the state's efforts with regard to the state's powers and duties under the public employees' fair employment act.

S 651. Definition. For the purposes of this article, "director" shall mean the director of employee AND RETIREE relations.

S 652. Office of employee AND RETIREE relations; director. There is hereby created an office of employee AND RETIREE relations in the executive department. The head of the office of employee AND RETIREE relations shall be the director of employee AND RETIREE relations who shall be appointed by, and hold office at the pleasure of, the governor. [He] SUCH DIRECTOR shall receive a salary to be fixed by the governor within the amount appropriated therefor. The director may appoint such deputies, assistants, consultants and other employees as may be needed for the performance of his OR HER duties and may prescribe their powers and duties and fix their compensation within the amount appropriated therefor. Such office may have an office seal.

S 653. Powers and duties. The director shall assist the governor with regard to relations between the state and its employees. Such assistance may include acting as the governor's agent in discharging the powers and duties conferred on the governor by the public employees' fair employment act, as amended, including, without limitation, conducting collective negotiations with recognized or certified employee organizations and executing agreements reached pursuant thereto. The director shall have such other and further powers and duties as may from time to time be conferred upon him OR HER by law and as the governor may from time to time request. Nothing contained herein shall be interpreted to enlarge, diminish or otherwise change any power or duty of the governor or legislature under said act or otherwise.

S 653-A. BUREAU FOR RETIRED EMPLOYEES. A. THE DIRECTOR SHALL ESTABLISH A BUREAU OF RETIREE RELATIONS WHICH SHALL ASSIST THE DIRECTOR ON ALL MATTERS AFFECTING RETIRED STATE EMPLOYEES INCLUDING BUT NOT LIMITED TO HEALTH INSURANCE, HEALTH EDUCATION, AND OTHER BENEFITS INCLUDING COST-OF-LIVING LONGEVITY SUPPLEMENTS.

B. IN ADDITION, AN ADVISORY COUNCIL SHALL BE ESTABLISHED WITHIN THE OFFICE COMPOSED OF NINE MEMBERS WHO ARE RETIREES FROM STATE SERVICE AND CURRENT MEMBERS OF STATEWIDE ASSOCIATIONS OR UNIONS OF PUBLIC EMPLOYEES. ONE MEMBER SHALL BE ELECTED BY THE MEMBERSHIP TO SERVE AS CHAIRPERSON. THREE MEMBERS EACH SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE GOVERNOR. THE PURPOSE OF THE COUNCIL SHALL BE TO ADVISE THE DIRECTOR ON THE NEEDS OF RETIREES WHICH PERTAIN TO RETIREE BENEFITS AND SERVICES.

C. THE COUNCIL SHALL MEET FROM TIME TO TIME BUT NO LESS THAN FOUR TIMES A YEAR.

D. THE MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT SALARY BUT EACH MEMBER SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES.

S 654. Actions by other officers, departments, boards, commissions or agencies. a. Notwithstanding any inconsistent provision of law, any state officer, department, board, commission or agency, shall, upon written request from the director, take such administrative or other action as is necessary to implement and administer the provisions of any binding agreement between the state and one or more employee organizations representing state employees pursuant to the public employees' fair employment act, as amended AND MATTERS AFFECTING RETIRED STATE EMPLOYEES. Such action may include, without limitation, the adoption,

repeal or amendment of rules, regulations or other procedures. Without prejudice to the rights of an employee organization under such agreement, the opinion of the attorney general shall be conclusive in resolving any disagreement between the director and any such officer, department, board, commission or agency regarding any legal question arising out of such a request, including, without limitation, whether the agreement is binding, whether compliance with the request is necessary to implement or administer the agreement and whether compliance with the request is legally possible.

b. All state officers, departments, boards, commissions and agencies are authorized and directed to provide such other and further assistance, services and data as may be necessary to allow the director properly to carry out [his] THE functions, powers and duties PRESCRIBED UNDER THIS ARTICLE.

S 2. Paragraph (b) of subdivision 16 of section 94 of the executive law, as amended by chapter 14 of the laws of 2007, is amended to read as follows:

(b) Conduct training programs in cooperation with the governor's office of employee AND RETIREE relations to provide education to individuals subject to its jurisdiction; and

S 3. Subdivision 3 of section 169 of the executive law, as added by chapter 263 of the laws of 1987, is amended to read as follows:

3. Notwithstanding any other provision of this section or any other provision of law, the boards of trustees of the state university of New York and the city university of New York shall each establish and implement salary plans for the chancellors, presidents and senior staffs of such state and city universities, respectively. The board of regents shall establish and implement a separate salary plan for the president of the university of the state of New York, setting forth the compensation to be received by the president for performing the duties of that office assigned by the rules of the regents or statute, which shall be in addition to the compensation received by such person pursuant to the provisions of subdivisions one and two of this section. Such salary plans shall be developed after consultation with the governor's office of employee AND RETIREE relations and the division of the budget. Any increase in compensation for the positions set forth in this subdivision, not otherwise funded from any appropriation, shall be funded from reallocations of funds within the appropriations specifically identified by the aforementioned boards. Each board of trustees and the board of regents shall file a proposed salary plan report with the chairs of the senate finance committee and the assembly ways and means committee and the director of the budget at least sixty days prior to the effective date of such salary plan. Each salary plan report shall set forth the salary schedule, the dollar value of additional public compensation and other employment benefits that such positions would receive, the specific sources of funding to be reallocated for salary increases, the amount of increase to be provided to each position, the comparison salary data on which the plan is based, and such other information as the boards of trustees and the board of regents deem appropriate.

S 4. Paragraph (a) of subdivision 15 of section 501 of the executive law, as amended by section 1 of part H of chapter 58 of the laws of 2006, is amended to read as follows:

(a) confer with the department of civil service, the governor's office of employee AND RETIREE relations and any other state agency to develop strategies which attempt to minimize the impact on the state workforce by providing assistance in obtaining state employment in state-operated

community-based services or other employment opportunities, and to develop strategies for the development of necessary retraining and redeployment programs. In planning such strategies, the commissioner of the office of children and family services shall provide for the participation of the representatives of the employee labor organizations and for the participation of managerial and confidential employees to ensure continuity of employment;

S 5. Subdivision 2 of section 7-a of the civil service law, as added by chapter 705 of the laws of 2006, is amended to read as follows:

2. The commission on increasing diversity in the state government workforce shall be composed of fifteen members, to be appointed as follows: nine members shall be appointed by the governor, three members shall be appointed by the temporary president of the senate, and three members shall be appointed by the speaker of the assembly. Of the nine members appointed by the governor, at least one member shall represent each of the following: the department, the office of employee AND RETIREE relations, the governor's appointments office, a prominent civil rights organization representing blacks, a prominent civil rights organization representing Hispanics, and a prominent civil rights organization representing Asians. All the members appointed by the temporary president of the senate and the speaker of the assembly shall be representatives of a protected class as established by federal statutory or case law. Every member of the commission shall serve at the pleasure of the official who appointed him or her. The members shall be broadly representative of the geographic areas of the state and the diverse minority communities of the state. The governor shall designate the chair and vice-chair of the commission from among his or her appointees. Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

S 6. Subdivision 3 of section 79 of the civil service law, as added by chapter 315 of the laws of 1995, is amended to read as follows:

3. Rulemaking authority. The commission shall adopt rules for carrying into effect the provisions of this section, including rules providing for the relinquishment of eligibility for appointment upon appointment or upon failure or refusal to accept appointment from a redeployment list. Additionally, notwithstanding any inconsistent provision of law, rule, or regulation, an agreement between the state and an employee organization recognized or certified pursuant to article fourteen of this chapter can provide employment security rights and benefits where the state has exercised its right to contract out for goods and services. The commission upon receipt of a written request of the director of employee AND RETIREE relations, is authorized to implement provisions of such agreement consistent with the terms thereof and, to the extent necessary, may adopt rules and regulations providing for the benefits to be thereunder provided. The commission, with the approval of the director of the budget, may extend such benefits in whole or in part, to state employees excluded from collective negotiating units.

S 7. Subdivision 7 of section 134 of the civil service law, as added by chapter 491 of the laws of 1969, is amended to read as follows:

[7.] 8. No rule, regulation or other procedure under this section affecting state employees shall be adopted, repealed or amended without the approval of the director of employee AND RETIREE relations.

S 8. Paragraph (c) of subdivision 1 of section 135 of the civil service law, as amended by chapter 9 of the laws of 2005, is amended to read as follows:

(c) employees in the office of general services who are specified as eligible under a labor management memorandum of understanding with the appropriate employee representative organization to participate in practices or programs constituting one or more pilot studies to evaluate the effect of extra compensation on productivity, efficiency and overall service delivery. The commissioner of general services in consultation with the director of the governor's office of employee AND RETIREE relations and the director of classification and compensation in the department and with the approval of the director of the budget is hereby authorized to direct the payment of extra compensation to such employees. Such extra compensation shall be paid pursuant to a specified plan developed by the commissioner of general services which shall be effective when approved by the director of the budget. The payment of such extra compensation shall be in addition to and shall not be part of an employee's basic annual salary, and shall not affect or impair any performance advancement payments, performance awards, longevity payments or other rights or benefits to which an employee may be entitled. Furthermore, any additional compensation payable pursuant to this subdivision shall not be included as compensation for retirement purposes.

S 9. Subdivision 1 of section 158 of the civil service law, as amended by section 4 of part C of chapter 56 of the laws of 2006, is amended to read as follows:

1. The president, subject to the provisions of this section, is hereby empowered to establish regulations relating to, and to enter into and administer contracts providing for, a group term life insurance plan, and a group accident and health insurance plan on behalf of legislators, employees of the legislature hired on an annual basis, judges and justices of the unified court system, and state employees and retired employees who, for the purposes of article fourteen of this chapter, have been for a period of time prescribed by the regulations and, except for such retirees, continue to be in positions designated as managerial or confidential positions. The president may authorize the inclusion in the plan of such employees and retired employees of other governments or public employers as defined in subdivision seven of section two hundred one of this chapter. The president may adopt whatever other regulations which may be necessary to fulfill the intentions of this section. No regulation shall be adopted, repealed or amended, and no other action taken with respect to such employees affecting the amount of, or eligibility for, benefits or rates of contribution under this section without the approval of the director of employee AND RETIREE relations.

The full costs of any insurance program or programs established pursuant to this subdivision, excluding administrative costs, shall be borne by insureds and retirees. Any interest earned by the moneys in the life insurance fund shall be added to such fund, become a part of such fund, be used for the purpose of such fund, and be available without fiscal year limitation.

S 10. Subdivision 1 of section 159 of the civil service law, as amended by chapter 1028 of the laws of 1981, is amended to read as follows:

1. The president, subject to the approval of the director of employee AND RETIREE relations and the director of the budget, is hereby empowered to establish regulations relating to, and to enter into and administer contracts or agreements providing for group insurance or mass merchandising policies or programs for state employees in the executive branch precluded from collective bargaining by subdivision five or subdivision seven of section two hundred one of this chapter.

S 11. Section 159-a of the civil service law, as amended by chapter 583 of the laws of 1988, is amended to read as follows:

S 159-a. Disability program. Notwithstanding any other law, rule or regulation to the contrary, where an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides on behalf of employees in positions serving in the collective negotiating unit created by chapter four hundred three of the laws of nineteen hundred eighty-three, the director of employee AND RETIREE relations is authorized to establish and implement a disability program that will provide long term income protection for such employees and the president is empowered to establish regulations to effect such implementation. No regulation shall be adopted, repealed or amended, and no other action taken with respect to such employees or such implementation without the approval of the director of employee AND RETIREE relations. Notwithstanding any other law, rule or regulation to the contrary, any employee who participates in or is covered by a disability program authorized by this section shall receive retirement service credit not to exceed six months during the period that he or she is receiving the short term disability benefit under such program on the same basis and at the same rate as such employee would receive such credit were he or she on sick leave at half pay for the period of time for which such employee would have been entitled to such sick leave at half pay had the sick leave policy supplemented by the short term disability program remained in effect.

S 12. Subdivision 3 of section 160 of the civil service law, as added by chapter 491 of the laws of 1969, is amended to read as follows:

3. Notwithstanding any inconsistent provision of this article, no rule or regulation shall be adopted, repealed or amended, and no other action taken with respect to state employees affecting the rate of or eligibility for benefits under this article, without the approval of the director of employee AND RETIREE relations.

S 13. Subdivision 1 of section 161-a of the civil service law, as amended by chapter 302 of the laws of 1985, is amended to read as follows:

1. Where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter provides for health insurance benefits, the president, after receipt of written directions from the director of employee AND RETIREE relations, shall implement the provisions of such agreement consistent with the terms thereof and to the extent necessary shall adopt regulations providing for the benefits to be thereunder provided. The president, with the approval of the director of the budget, may extend such benefits, in whole or in part, to employees not subject to the provisions of such agreement.

S 14. The opening paragraph of section 165-a of the civil service law, as amended by chapter 467 of the laws of 1991, is amended to read as follows:

Notwithstanding any other provision of law to the contrary, the president shall permit the unremarried spouse and the dependents, otherwise qualified as eligible for coverage under regulations of the president, of a person who was an employee of the state and/or of a political subdivision thereof or of a public authority for not less than ten years, provided however, that the ten-year service requirement shall not apply to such employees on active military duty in connection with the Persian Gulf conflict who die on or after August second, nineteen hundred ninety while in the Persian Gulf combat zone or while performing

such military duties, who had been a participant in any of the state health insurance plans, to continue under the coverage which such deceased employee had in effect at the time of death, upon the payment at intervals determined by the president of the full cost of such coverage, provided, however, that the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-five and before April first nineteen hundred seventy-nine who timely elected to continue dependent coverage, or such unremarried spouse who timely elected individual coverage shall continue to pay at intervals determined by the president one-quarter of the full cost of dependent coverage and provided further, that, with regard to employees of the State, where and to the extent that an agreement pursuant to article fourteen of this chapter so provides, or where the director of employee AND RETIREE relations, with respect to employees of the State who are not included within a negotiating unit so recognized or certified pursuant to article fourteen of this chapter whom the director of employee relations determines should be declared eligible for the continuation of health insurance plans for the survivors of such employees of the State, the president shall adopt regulations providing for the continuation of such health insurance by the unremarried spouse of an active employee of the State who died on or after April first nineteen hundred seventy-nine who elects to continue dependent coverage, or such unremarried spouse who elects individual coverage, and upon such election shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage and, provided further with respect to enrolled employees of a political subdivision or public authority in a negotiating unit recognized or certified pursuant to article fourteen of this chapter, where an agreement negotiated pursuant to said article so provides, and with respect to enrolled employees of a political subdivision or public authority not included within a negotiating unit so recognized or certified, at the discretion of the appropriate political subdivision or public authority, the unremarried spouse of an active employee of the political subdivision or of the public authority who died on or after April first nineteen hundred seventy-five, may elect to continue dependent coverage or such unremarried spouse may elect individual coverage and upon such election shall pay at intervals determined by the president one-quarter of the full cost of dependent coverage.

S 15. Subdivision 2 of section 171 of the civil service law, as added by chapter 585 of the laws of 1998, is amended to read as follows:

2. Notwithstanding any inconsistent provision of this article, no rule or regulation shall be adopted, repealed or amended, and no other action taken with respect to state employees affecting the rate or eligibility for benefits under this article, without the approval of the director of employee AND RETIREE relations.

S 16. Subdivision 1 of section 79-a of the correction law, as amended by section 2 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

1. confer with the department of civil service, the governor's office of employee AND RETIREE relations and any other appropriate state agencies to develop strategies which attempt to minimize the impact of the closure on the state work force;

S 17. Section 79-b of the correction law, as amended by section 2 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

S 79-b. Adaptive reuse plan for consideration prior to prison closure. Not later than six months prior to the effective date of closure of a correctional facility, the commissioner shall, in consultation with the

commissioners of economic development, civil service and the division of criminal justice services and the director of the governor's office of employee AND RETIREE relations, provide a report for an adaptive reuse plan for any facility slated for closure which will evaluate the community impact of the proposed closure including but not limited to the following factors: the potential to utilize the property for another state government purpose, including for a new purpose as part of the state criminal justice system; potential for the sale or transfer of the property to a local government or other governmental entity; potential for the sale of the property to a private entity for development into a business, residential or other purpose; community input for local development; and the condition of the facility and the investments required to keep the structure in good repair, or to make it viable for reuse.

S 18. Section 6208 of the education law, as added by chapter 305 of the laws of 1979, is amended to read as follows:

S 6208. Collective negotiation. For the purposes of article fourteen of the civil service law, the city university of New York shall be deemed to be the public employer and as such shall negotiate with and enter into written agreements with employee organizations representing the instructional staff and non-instructional staff of the senior colleges and community colleges of such university that have been certified or recognized under such article. For purposes of such article, the chancellor of the city university shall be deemed to be the chief executive officer, the chief legal officer of the city university shall be chief legal officer, and the legislature of the state of New York shall be deemed to be the legislative body of the government. In carrying on such negotiations, the city university of New York shall consult with and seek assistance from the state office of employee AND RETIREE relations and the New York city office of municipal labor relations. The state public employment relations board shall have exclusive jurisdiction for the purpose of administering the provisions of such article and the provisions of section two hundred twelve of such article shall not be applicable to any such negotiations.

S 19. The opening paragraph of paragraph 4 of subdivision (b) of section 5.07 of the mental hygiene law, as amended by chapter 723 of the laws of 1993, is amended to read as follows:

The commissioner of mental health in consultation with the department of civil service, the office of employee AND RETIREE relations and any other appropriate state agency, shall prepare for the governor and the legislature a written evaluation report concerning the retraining and continuation of employment of persons whose employment in a state-operated hospital listed in section 7.17 of this chapter may be terminated because of planned closure or consolidation of such state-operated hospital. Such report shall include, but not be limited to:

S 20. Paragraph 1 of subdivision (e) of section 7.17 of the mental hygiene law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

1. confer with the department of civil service, the governor's office of employee AND RETIREE relations and any other state agency to develop strategies which attempt to minimize the impact on the state workforce by providing assistance in obtaining state employment in state-operated community-based services or other employment opportunities, and to develop strategies for the development of necessary retraining and redeployment programs. In planning such strategies, the commissioner shall provide for the participation of the representatives of the employee

labor organizations and for the participation of managerial and confidential employees to ensure continuity of employment;

S 21. Section 19-a of the military law, as added by chapter 106 of the laws of 2003, is amended to read as follows:

S 19-a. Family liaison officer. The adjutant general shall designate family liaison officers to provide assistance to the families of those military personnel who have been deployed for active military duty, other than training. Such officer shall coordinate his or her duties with the state's employee assistance program that is maintained by the office of employee AND RETIREE relations. The assistance provided by such officer shall include, but not be limited to: (a) serving as liaison between the families of service personnel and the department of defense; (b) providing information on family assistance programs that are available from the state and federal government; (c) ensuring that the families of those military personnel on active duty receive appropriate support and assistance. A family liaison officer shall be available beginning on the date of any declaration of war by the Congress through the date prescribed by presidential proclamation or concurrent resolution of Congress, or during any periods of combat as designated by presidential executive orders. The family liaison officer may be assisted in his or her duties by such staff under the jurisdiction of the adjutant general that may be necessary to perform the duties of such position.

S 22. The opening paragraph of subdivision 1 of section 3558 of the public authorities law, as added by chapter 5 of the laws of 1997, is amended to read as follows:

The employees of the corporation shall, for all purposes of article fourteen of the civil service law, be deemed to be employees of the state of New York and shall be employed within the current state of New York bargaining unit designations of either the professional, scientific and technical unit, the administration services unit, operational services unit, institutional services unit or security services unit. The governor's office of employee AND RETIREE relations shall, for all purposes of article fourteen of the civil service law, act as agent for the corporation, and shall, with respect to the corporation, have all the powers and duties provided under sections six hundred fifty through six hundred fifty-four of the executive law. Those persons who become employees of the corporation pursuant to subdivision one of this section or who enter into the service of the corporation following the effective date of the transfer shall retain their current bargaining unit designations in either the professional, scientific and technical services unit, the administrative services unit, the institutional services unit, the operational services unit, the security services unit or the security supervisors unit of state employees. The corporation and the state shall recognize the existing certified or recognized employee organizations for state employees as the exclusive collective bargaining representatives for such employees.

S 23. Subdivision 3 of section 64-a of the public officers law, as added by chapter 453 of the laws of 1989, is amended to read as follows:

3. A state department or agency may, after the effective date of this section, adopt a patent policy, or amend a patent policy previously approved by the director of the budget for such agency, subject to the approval of the director of the budget, the state comptroller and the director of the office of employee AND RETIREE relations. Where such policy or amendment affects a term or condition of employment, such

policy or amendment shall be adopted in accordance with the provisions of article fourteen of the civil service law.

S 24. Subdivision 12-d of section 8 of the state finance law, as amended by section 5 of part A of chapter 10 of the laws of 2008, is amended to read as follows:

12-d. Notwithstanding any inconsistent provision of the court of claims act, examine, audit and certify for payment any claim submitted and approved by the head of a state department or agency, other than a department or agency specified in subdivision twelve of this section, for personal property of an employee damaged or destroyed in the course of the performance of official duties without fault on his part by an inmate, patient or client of such department or agency after March thirty-first, two thousand seven and prior to April first, two thousand eleven, provided no such claim may be certified for payment to an officer or employee who is in a collective negotiating unit until the director of employee AND RETIREE relations shall deliver to the comptroller a certificate that there is in effect with respect to such negotiating unit a written collectively negotiated agreement with the state pursuant to article fourteen of the civil service law which provides therefor. Payment of any such claim shall not exceed the sum of three hundred dollars. No person submitting a claim under this subdivision shall have any claim for damages to such personal property approved pursuant to the provision of subdivision four of section five hundred thirty of the labor law or any other applicable provision of law.

S 25. Section 136-c of the state finance law, as added by section 10 of part B of chapter 68 of the laws of 2000, is amended to read as follows:

S 136-c. Contracts for employee training and organizational development services. The director of employee AND RETIREE relations is hereby authorized to enter into contracts for use by all state departments and agencies for services to support employee training and organizational development initiatives. Pursuant to procedures developed by the director of employee AND RETIREE relations in consultation with the state comptroller, agencies shall be permitted to access such contracts directly in a manner similar to that used for centralized commodity contracts let by the commissioner of general services pursuant to section one hundred sixty-three of [the state finance law] THIS CHAPTER. Nothing contained [herein] IN THIS SECTION shall preclude the director of employee AND RETIREE relations from adherence to New York state bidding requirements or any other law, rule or regulation governing the purchase of consultant services. Further, nothing contained [herein] IN THIS SECTION shall restrict or preclude state departments or agencies from procuring such training and organizational development services directly without consideration of contracts let by the director of employee AND RETIREE relations.

S 26. Subdivision 2 of section 200 of the state finance law, as added by chapter 78 of the laws of 1982, is amended to read as follows:

2. Notwithstanding the provisions of subdivision one of this section, where the state and an employee organization representing state officers and employees who are in positions which are in collective negotiating units established pursuant to article fourteen of the civil service law enter into an agreement providing for an alternative procedure for the payment of salaries to such employees or where the director of employee AND RETIREE relations shall authorize an alternative procedure for the payment of salaries to state officers or employees in the executive branch who are in positions which are not in collective negotiating

units, such alternative procedure shall be implemented in lieu of the procedure specified in subdivision one of this section.

S 27. Subdivision 2 of section 201 of the state finance law, as amended by chapter 233 of the laws of 1992, is amended to read as follows:

2. The comptroller is hereby authorized to deduct from the salary of any employee of the state such amount as such employee may specify in writing filed in a manner determined by the comptroller for the payment of membership dues in a duly organized association or organization of civil service employees or faculty members of the state university and to transmit the sums so deducted to the said association or organization. Any such written authorization may be withdrawn by such employee at any time upon filing written notice of such withdrawal in a manner determined by the comptroller. The foregoing notwithstanding, and subject to the provisions of article fourteen of the civil service law, such deductions and transmittals shall be terminated as to one or more such associations or organizations in accordance with the written directions of the director of employee AND RETIREE relations, not more than thirty days after receipt by the comptroller of such directions. The deductions and transmittals which were the subject of such directions shall not thereafter be resumed without the written approval of such director.

S 28. Subdivisions 2 and 4 of section 201-a of the state finance law, as added by chapter 732 of the laws of 1988, are amended to read as follows:

2. The director of employee AND RETIREE relations, in consultation with the director of the budget and the president of the civil service commission, is authorized to establish a flexible benefits program consistent with sections seventy-nine, one hundred five, one hundred six, one hundred twenty-five and one hundred twenty-nine of the internal revenue code and regulations adopted pursuant thereto, and implement such program subject to the approval of the director of the budget.

4. The term "program administrator" shall mean that agent, as determined by the director of employee AND RETIREE relations, responsible for the maintenance and management of flexible spending accounts as authorized in subdivision two of this section.

S 29. Subdivisions 2 and 4 of section 201-b of the state finance law, as added by section 11 of part B of chapter 68 of the laws of 2000, are amended to read as follows:

2. The director of employee AND RETIREE relations, in consultation with the director of the budget and the president of the civil service commission, is authorized to establish a qualified transportation fringe benefit program consistent with section 132 of the internal revenue code and regulations adopted pursuant thereto, and implement such program subject to the approval of the director of the budget.

4. The term "program administrator" shall mean that agent, as determined by the director of employee AND RETIREE relations, responsible for the maintenance and management of the qualified transportation fringe benefit program as authorized in subdivision two of this section.

S 30. Subdivision 5 of section 202 of the state finance law, as separately added by chapters 405 and 957 of the laws of 1981, is amended to read as follows:

5. The director of the budget shall, with the approval of the director of employee AND RETIREE relations, prescribe and amend such regulations as may be necessary to carry out the provisions of this section. Such regulations may include, but need not be limited to, provisions (a)

prescribing standards, criteria, and procedures for determining eligibility for reimbursement of travel and moving expenses in accordance with the provisions of this section, and, if deemed advisable by the budget director, enumerating positions or classes or groups of positions for which he has determined that, upon transfer, reassignment or promotion, travel and moving expenses shall or shall not be payable under this section;

(b) fixing maximum dollar limitations on reimbursement for travel and moving expenses pursuant to this section;

(c) excluding or limiting reimbursement for expenses for moving less than a prescribed minimum distance, for moving household goods and possessions in excess of a prescribed maximum weight, or for storage or living expenses.

S 31. Paragraph a of subdivision 1 of section 206 of the state finance law, as separately added by chapters 405 and 957 of the laws of 1981, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 32. Paragraph a of subdivision 1 of section 206-a of the state finance law, as added by chapter 394 of the laws of 1984, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 33. Paragraph a of subdivision 1 of section 207 of the state finance law, as amended by chapter 78 of the laws of 1982, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 34. Paragraph a of subdivision 1 of section 207-a of the state finance law, as added by chapter 305 of the laws of 1985, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 35. Paragraph a of subdivision 1 of section 207-b of the state finance law, as added by chapter 313 of the laws of 1985, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 36. Paragraph a of subdivision 1 of section 207-c of the state finance law, as added by chapter 510 of the laws of 1986, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 37. Paragraph (a) of subdivision 1 of section 207-d of the state finance law, as added by chapter 114 of the laws of 2006, is amended to read as follows:

(a) "Director" shall mean the director of employee AND RETIREE relations.

S 38. Paragraph a of subdivision 1 of section 209 of the state finance law, as added by chapter 924 of the laws of 1982, is amended to read as follows:

a. "Director" shall mean the director of employee AND RETIREE relations.

S 39. This act shall take effect immediately.