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

2490

2009-2010 Regular Sessions

I N A S S E M B L Y

January 16, 2009

Introduced by M. of A. O'DONNELL, DINOWITZ, ENGLEBRIGHT, COLTON, CLARK, KAVANAGH -- Multi-Sponsored by -- M. of A. GLICK, HOOPER, V. LOPEZ, MILLMAN, PHEFFER, N. RIVERA -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to providing a pre-tax transit program for state employees

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 201-d to read as follows:

S 201-D. TRANSIT BENEFIT PROGRAM. 1. THIS SECTION SHALL APPLY TO EMPLOYEES AS SET FORTH IN SUBDIVISION ONE OF SECTION TWO HUNDRED ONE-A OF THIS ARTICLE.

2. THE DIRECTOR OF EMPLOYEE RELATIONS, IN CONSULTATION WITH THE DIRECTOR OF THE BUDGET AND THE PRESIDENT OF THE CIVIL SERVICE COMMISSION, SHALL ESTABLISH A TRANSIT BENEFIT PROGRAM WHICH SHALL INCLUDE BUT NOT BE LIMITED TO TRANSITCHEK, AND IMPLEMENT SUCH PROGRAM SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. TRANSITCHEK IS A PROGRAM MAINTAINED BY THE METROPOLITAN COMMUTER TRANSPORTATION AUTHORITY WHICH ALLOWS PARTICIPANTS TO USE A PORTION OF THEIR PRE-TAX MONTHLY SALARY TO PAY FOR THEIR COMMUTE, AND INCLUDES COMMUTES ABOARD ALL SUBSIDIARIES OF THE METROPOLITAN COMMUTER TRANSPORTATION AUTHORITY.

3. AT THE REQUEST OF AN EMPLOYEE AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, THE STATE COMPTROLLER SHALL, BY PRE-TAX PAYROLL DEDUCTION, REDUCE THE AMOUNT OF COMPENSATION ELECTED BY THE EMPLOYEE FOR THE PURPOSE OF PROVIDING THE EMPLOYEE PARTICIPATION IN THE TRANSIT BENEFIT PROGRAM AS AUTHORIZED IN SUBDIVISION TWO OF THIS SECTION, AND SHALL TRANSFER THE AMOUNT SO REDUCED TO THE AUTHORIZED PROGRAM ADMINISTRATOR.

4. THE TERM "PROGRAM ADMINISTRATOR" SHALL MEAN THAT AGENT, AS DETERMINED BY THE DIRECTOR OF EMPLOYEE RELATIONS, RESPONSIBLE FOR THE MAINTE-

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

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NANCE AND MANAGEMENT OF THE TRANSIT BENEFIT PROGRAM AS AUTHORIZED IN SUBDIVISION TWO OF THIS SECTION.

5. MONEYS DEDUCTED FROM THE SALARIES OF EMPLOYEES SHALL BE HELD BY THE PROGRAM ADMINISTRATOR AS AGENT FOR THE STATE COMPTROLLER AND SHALL BE ACCOUNTED FOR SEPARATELY. NOTWITHSTANDING ANY LAW TO THE CONTRARY, SUCH MONEYS MAY BE PAID OUT BY THE PROGRAM ADMINISTRATOR WITHOUT ANY APPROPRIATION BY LAW. ALL PAYMENTS OF MONEYS BY THE PROGRAM ADMINISTRATOR SHALL BE MADE ONLY IN ACCORDANCE WITH THE TRANSIT BENEFIT PROGRAM UPON AUDIT BY THE STATE COMPTROLLER.

6. ANY SALARY DEDUCTED FROM A PARTICIPATING EMPLOYEE'S ANNUAL COMPENSATION FOR THE PURPOSE OF PROVIDING SUCH EMPLOYEE WITH A TRANSIT BENEFIT SHALL BE CONSIDERED PART OF ANNUAL COMPENSATION FOR THE PURPOSE OF COMPUTING RETIREMENT BENEFITS.

7. NOTWITHSTANDING ANY OTHER LAW, RULE, OR REGULATION TO THE CONTRARY, WHERE, AND TO THE EXTENT THAT, IN AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW ON BEHALF OF EMPLOYEES IN A COLLECTIVE NEGOTIATING UNIT ESTABLISHED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW PROVIDES FOR A TRANSIT BENEFIT PROVIDED BY THIS SECTION, SUCH TRANSIT BENEFIT SHALL BE ESTABLISHED IN ACCORDANCE WITH SUCH AGREEMENT.

S 2. This act shall take effect immediately.