

3741

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sen. OPPENHEIMER -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to the compensation of district superintendents of schools by boards of cooperative educational services; and to repeal subparagraph 2 of paragraph a of subdivision 4 of section 1950 and section 2212-b of such law, relating thereto

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

1 Section 1. Subparagraph 1 of paragraph a of subdivision 4 of section
2 1950 of the education law, as amended by chapter 474 of the laws of
3 1996, is amended to read as follows:

4 (1) Appoint a district superintendent of schools in the manner
5 provided in section twenty-two hundred four of this [chapter] TITLE, and
6 in its discretion to provide for the payment of supplementary salary AND
7 BENEFITS to the district superintendent of schools by the supervisory
8 district BY MUTUAL AGREEMENT, SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH
9 TWO OF THIS PARAGRAPH. The term of any employment contract or agreement
10 between a district superintendent and the board of cooperative educa-
11 tional services that is entered into or amended on or after the effec-
12 tive date of this subparagraph shall not exceed three years. Copies of
13 employment contracts and amendments to such contracts entered into
14 pursuant to this paragraph shall be filed with the commissioner within
15 five days of execution.

16 S 2. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of
17 the education law is REPEALED and a new subparagraph 2 is added to read
18 as follows:

19 (2) BY MUTUAL AGREEMENT WITH THE BOARD OF COOPERATIVE EDUCATIONAL
20 SERVICES, A DISTRICT SUPERINTENDENT MAY ACCUMULATE VACATION OR SICK
21 LEAVE CREDITS OR PERSONAL LEAVE CREDITS IN EXCESS OF THE VACATION AND

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

LBD10406-01-9

1 SICK LEAVE CREDITS OR PERSONAL LEAVE CREDITS MANAGERIAL/CONFIDENTIAL
2 EMPLOYEES OF THE STATE ARE PERMITTED TO ACCUMULATE PURSUANT TO REGU-
3 LATIONS PROMULGATED BY THE STATE CIVIL SERVICE COMMISSION, PROVIDED THAT
4 THE STATE SHALL NOT BE REQUIRED TO PAY THE COST OF ANY SUCH LEAVE
5 ACCRUED IN EXCESS OF THE RATES APPLICABLE TO MANAGERIAL/CONFIDENTIAL
6 EMPLOYEES OF THE STATE; AND FURTHER PROVIDED THAT A DISTRICT SUPERINTEN-
7 DENT AT THE TIME OF SEPARATION FROM SERVICE OR THEREAFTER, MAY NOT BE
8 COMPENSATED FOR ACCRUED AND UNUSED VACATION CREDITS OR SICK LEAVE OR
9 PERSONAL LEAVE CREDITS, OR USE ACCRUED AND UNUSED SICK LEAVE FOR RETIRE-
10 MENT SERVICE CREDIT OR TO PAY FOR HEALTH INSURANCE IN RETIREMENT, AT A
11 RATE IN EXCESS OF THE RATE PERMITTED TO MANAGERIAL/CONFIDENTIAL EMPLOY-
12 EES OF THE STATE PURSUANT TO REGULATIONS OF THE STATE CIVIL SERVICE
13 COMMISSION. IN ADDITION TO THE PAYMENT OF SUPPLEMENTARY SALARY, A BOARD
14 OF COOPERATIVE EDUCATIONAL SERVICES MAY PROVIDE FOR THE PAYMENT OF ALL
15 OR A PORTION OF THE COST OF INSURANCE BENEFITS FOR THE DISTRICT SUPER-
16 INTENDENT OF SCHOOLS, INCLUDING BUT NOT LIMITED TO: HEALTH INSURANCE,
17 DISABILITY INSURANCE, LIFE INSURANCE OR ANY OTHER FORM OF INSURANCE
18 BENEFIT DURING THE DISTRICT SUPERINTENDENT'S TERM OF SERVICE OR IN
19 RETIREMENT. IN NO EVENT SHALL THE TERMS OF THE DISTRICT SUPERINTENDENT'S
20 CONTRACT, INCLUDING ANY PROVISIONS RELATING TO AN INCREASE IN SALARY,
21 COMPENSATION OR OTHER BENEFITS, BE CONTINGENT UPON THE TERMS OF ANY
22 CONTRACT OR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE BOARD OF COOPER-
23 ATIVE EDUCATIONAL SERVICES AND ITS TEACHERS OR OTHER EMPLOYEES. THE
24 COMMISSIONER MAY ADOPT REGULATIONS FOR THE PURPOSE OF IMPLEMENTING THE
25 PROVISIONS OF THIS PARAGRAPH.

26 S 3. Section 2212-b of the education law is REPEALED.

27 S 4. This act shall take effect immediately.