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

5504

2009-2010 Regular Sessions

I N S E N A T E

May 12, 2009

Introduced by Sens. SAVINO, KLEIN, MONSERRATE, ADAMS, DILAN, HUNTLEY, LANZA, ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the state finance law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; in relation to implementing an agreement covering such members of such unit and in relation to the employee benefit fund for members of such unit; to amend the executive law, in relation to salary schedules for such members of such unit; making an appropriation therefor; and to repeal certain provisions of such laws relating thereto

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

Section 1. Paragraph b of subdivision 2 of section 216 of the executive law is REPEALED.

S 2. Paragraph a of subdivision 2 of section 216 of the executive law is REPEALED and a new paragraph a is added to read as follows:

A. SALARY SCHEDULES FOR INVESTIGATORS, SENIOR INVESTIGATORS, AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE.

(1) EFFECTIVE APRIL FIRST, TWO THOUSAND SEVEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$82,698	$86,898

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

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NEW YORK CITY, ROCKLAND, WESTCHESTER	$82,444	$86,646
ORANGE, PUTNAM, DUTCHESS	$81,479	$85,680
ALL OTHER LOCATIONS	$81,300	$85,500

(2) EFFECTIVE APRIL FIRST, TWO THOUSAND EIGHT, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$85,179	$89,505
NEW YORK CITY, ROCKLAND, WESTCHESTER	$84,917	$89,245
ORANGE, PUTNAM, DUTCHESS	$83,923	$88,250
ALL OTHER LOCATIONS	$83,739	$88,065

(3) EFFECTIVE APRIL FIRST, TWO THOUSAND NINE, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$87,734	$92,190
NEW YORK CITY, ROCKLAND, WESTCHESTER	$87,465	$91,922
ORANGE, PUTNAM, DUTCHESS	$86,441	$90,898
ALL OTHER LOCATIONS	$86,251	$90,707

(4) EFFECTIVE APRIL FIRST, TWO THOUSAND TEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$91,243	$95,878
NEW YORK CITY, ROCKLAND, WESTCHESTER	$90,964	$95,599
ORANGE, PUTNAM, DUTCHESS	$89,899	$94,534
ALL OTHER LOCATIONS	$89,701	$94,335

(5) EFFECTIVE MARCH THIRTY-FIRST, TWO THOUSAND ELEVEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$106,157	$95,878
NEW YORK CITY, ROCKLAND, WESTCHESTER	$105,878	$95,599
ORANGE, PUTNAM, DUTCHESS	$104,813	$94,534
ALL OTHER LOCATIONS	$104,615	$94,335

S 3. Paragraph b of subdivision 2 of section 207-b of the state finance law is REPEALED and a new paragraph b is added to read as follows:

B. PURSUANT TO THE TERMS OF AN AGREEMENT NEGOTIATED BETWEEN THE EXECUTIVE BRANCH OF THE STATE OF NEW YORK AND THE EMPLOYEE ORGANIZATION REPRESENTING THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS, AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, AND UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, THE DIRECTOR SHALL PROVIDE FOR THE PAYMENT OF MONIES TO SUCH EMPLOYEE ORGANIZATION FOR THE ESTABLISHMENT AND MAINTENANCE OF AN EMPLOYEE BENEFIT FUND ESTABLISHED BY THE EMPLOYEE ORGANIZATION FOR THE EMPLOYEES IN THE COLLECTIVE NEGOTIATING UNIT COVERED BY THE CONTROLLING PROVISIONS OF SUCH AGREEMENT PROVIDING FOR SUCH EMPLOYEE BENEFIT FUND,

SUCH AMOUNT TO BE DETERMINED CONSISTENT WITH SAID AGREEMENT ON THE BASIS OF THE NUMBER OF FULL-TIME ANNUAL SALARIED EMPLOYEES, OTHER THAN FULL-TIME SEASONAL EMPLOYEES, ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND SEVEN, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND SEVEN, AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND EIGHT, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND EIGHT AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND NINE, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND NINE AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND TEN, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND TEN. THE AMOUNT, WHICH WILL BE DETERMINED PURSUANT TO THIS SECTION, FOR EMPLOYEES WHO ARE PAID FROM SPECIAL OR ADMINISTRATIVE FUNDS, OTHER THAN THE GENERAL FUND OR THE CAPITAL PROJECTS FUND OF THE STATE, WILL BE PAID FROM THE APPROPRIATIONS AS PROVIDED BY LAW, IN WHICH CASE THE STATE COMPTROLLER SHALL ESTABLISH PROCEDURES TO ENSURE REPAYMENT FROM SAID SPECIAL OR ADMINISTRATIVE FUNDS. THE DIRECTOR SHALL ENTER INTO AN AGREEMENT WITH AN EMPLOYEE ORGANIZATION, WHICH SETS FORTH THE SPECIFIC TERMS AND CONDITIONS FOR THE TRANSMITTAL OF MONIES PURSUANT TO THIS SECTION.

S 4. Subdivision 2 of section 216-c of the executive law is REPEALED and a new subdivision 2 is added to read as follows:

2. IN ADDITION TO THE COMPENSATION PROVIDED IN SUBDIVISION ONE OF THIS SECTION, MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, ON THE PAYROLL ON NOVEMBER FIRST OF EACH YEAR, SHALL RECEIVE, EFFECTIVE APRIL FIRST, TWO THOUSAND SEVEN, THIRTEEN HUNDRED NINETY-TWO DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND EIGHT, SUCH AMOUNT SHALL BE INCREASED TO FOURTEEN HUNDRED THIRTY-FOUR DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND NINE, SUCH AMOUNT SHALL BE INCREASED TO FOURTEEN HUNDRED SEVENTY-SEVEN DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND TEN, SUCH AMOUNT SHALL BE INCREASED TO FIFTEEN HUNDRED THIRTY-SIX DOLLARS. SUCH PAYMENTS SHALL BE IN ADDITION TO, AND SHALL NOT BE PART OF, THE MEMBER'S ANNUAL BASIC SALARY, EXCEPT FOR THE PURPOSE OF RETIREMENT, AND SHALL BE MADE IN A SEPARATE CHECK DURING THE PAYROLL PERIOD WHICH INCLUDES DECEMBER FIRST EACH YEAR.

S 5. Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of the executive law are REPEALED and two new paragraphs (b) and (c) are added to read as follows:

(B)(1) EFFECTIVE APRIL FIRST, TWO THOUSAND SEVEN, ALL MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, WHO ON THEIR ANNIVERSARY DATE OF EMPLOYMENT WITH THE DIVISION OF STATE POLICE HAVE ATTAINED SIX OR MORE YEARS OF SUCH SATISFACTORY SERVICE IN THE DIVISION, SHALL BE PAID A LONGEVITY AWARD ACCORDING TO THE FOLLOWING SCHEDULE FOR EACH YEAR OF SUCH SATISFACTORY SERVICE UP TO TWENTY-FIVE YEARS:

YEARS OF SERVICE	AMOUNT PER YEAR
6-10	$430
11-15	$480
16-25	$530

(2) EFFECTIVE APRIL FIRST, TWO THOUSAND EIGHT, ALL MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, WHO ON THEIR ANNIVERSARY DATE OF EMPLOYMENT WITH THE DIVISION OF STATE POLICE HAVE ATTAINED SIX OR MORE YEARS OF SUCH SATISFACTORY SERVICE IN THE DIVISION, SHALL BE PAID A LONGEVITY AWARD ACCORDING TO THE FOLLOWING SCHEDULE FOR EACH YEAR OF SUCH SATISFACTORY SERVICE UP TO TWENTY-FIVE YEARS:

YEARS OF SERVICE	AMOUNT PER YEAR
6-10	$460
11-15	$510
16-25	$560

(3) EFFECTIVE APRIL FIRST, TWO THOUSAND NINE, ALL MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, WHO ON THEIR ANNIVERSARY DATE OF EMPLOYMENT WITH THE DIVISION OF STATE POLICE HAVE ATTAINED SIX OR MORE YEARS OF SUCH SATISFACTORY SERVICE IN THE DIVISION, SHALL BE PAID A LONGEVITY AWARD ACCORDING TO THE FOLLOWING SCHEDULE FOR EACH YEAR OF SUCH SATISFACTORY SERVICE UP TO TWENTY-FIVE YEARS:

YEARS OF SERVICE	AMOUNT PER YEAR
6-10	$500
11-15	$550
16-25	$600

(4) EFFECTIVE APRIL FIRST, TWO THOUSAND TEN, ALL MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, WHO ON THEIR ANNIVERSARY DATE OF EMPLOYMENT WITH THE DIVISION OF STATE POLICE HAVE ATTAINED SIX OR MORE YEARS OF SUCH SATISFACTORY SERVICE IN THE DIVISION, SHALL BE PAID A LONGEVITY AWARD ACCORDING TO THE FOLLOWING SCHEDULE FOR EACH YEAR OF SUCH SATISFACTORY SERVICE UP TO TWENTY-FIVE YEARS:

YEARS OF SERVICE	AMOUNT PER YEAR
6-10	$540
11-15	$590
16-25	$640

(5) INDIVIDUALS WITH GREATER THAN TWENTY-FIVE YEARS OF SERVICE SHALL CONTINUE TO RECEIVE A LONGEVITY AWARD AT THE TWENTY-FIVE YEAR AMOUNT. SUCH PAYMENT SHALL COMMENCE IN THE PAY PERIOD FOLLOWING SUCH ANNIVERSARY DATE AND SHALL BE ANNUALIZED AND PAID OVER THE YEAR-LONG PERIOD BETWEEN ANNIVERSARY DATES.

(C) THE LONGEVITY AMOUNTS PROVIDED BY THIS SUBDIVISION SHALL BE IN ADDITION TO, AND SHALL NOT BE A PART OF, A MEMBER'S ANNUAL BASIC SALARY, AND SHALL NOT IMPAIR ANY OTHER RIGHTS OR BENEFITS TO WHICH A MEMBER MAY BE ENTITLED; PROVIDED, HOWEVER, THAT LONGEVITY AWARDS SHALL BE INCLUDED AS COMPENSATION FOR PURPOSES OF COMPUTATION OF OVERTIME PAY AND FOR RETIREMENT PURPOSES.

S 6. Premium in lieu of overtime. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, senior investigators in the division of state police shall receive an overtime premium in the amount of ten thousand eight hundred eighteen dollars ($10,818). Effective April 1, 2008, such amount shall be increased to eleven thousand one hundred forty-three dollars ($11,143). Effective April 1, 2009, such amount shall be increased to eleven thousand four hundred and seventy-seven dollars ($11,477). Effective April 1, 2010, such amount shall be increased to eleven thousand nine hundred thirty-six dollars ($11,936). Effective March 31, 2011, such amount shall be rolled into base salary.

(b) Such payment shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or

impair any increments or other rights or benefits to which the member may be entitled; provided, however, that any payment made pursuant to this section shall be included as compensation for retirement purposes, and, where appropriate, overtime.

S 7. Command pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, in recognition that senior investigators in the division of state police assume higher-level responsibilities, such members shall receive command pay in the amount of two thousand six hundred ninety-nine dollars ($2,699). Effective April 1, 2008, such amount shall be increased to two thousand seven hundred eighty dollars ($2,780). Effective April 1, 2009, such amount shall be increased to two thousand eight hundred sixty-three dollars ($2,863). Effective April 1, 2010, such amount shall be increased to two thousand nine hundred seventy-eight dollars ($2,978). Effective March 31, 2011, such amount shall be rolled into base salary.

(b) Such payment shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that command pay shall be included as compensation for the computation of overtime pay and retirement.

S 8. Health benefits committee. Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2007 through March 31, 2011, there shall continue to be a committee on health benefits funded in the amount of five thousand dollars ($5,000) annually. One-half of this amount in each year shall be made available to the state and one-half shall be made available to the employee organization representing such unit.

S 9. Maintenance allowance. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, each member of such unit shall receive two thousand eight hundred sixty-five dollars ($2,865) as a maintenance allowance. Effective April 1, 2008, such amount shall be increased to two thousand nine hundred fifty-one dollars ($2,951). Effective April 1, 2009, such amount shall be increased to three thousand forty dollars ($3,040). Effective April 1, 2010, such amount shall be increased to three thousand one hundred sixty-two dollars ($3,162).

(b) Such maintenance allowance shall be paid on an annualized basis in regular bi-weekly paychecks. Such additional compensation, as provided in this section, shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and retirement.

S 10. Expertise pay. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organiza-

tion representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2010, members in such collective negotiating unit shall receive expertise pay in the amount of twelve hundred dollars ($1,200) annually.

(b) Such expertise pay shall be payable to those unit members on the payroll on November 1 of each year during the pay period that includes December 1. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

S 11. Professional development and training funds. Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2007 through March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of $81,900 annually, from which the tuition reimbursement program, the master's program, and the employee assistance program shall be supported.

S 12. Expanded duty pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, each member of such unit shall receive expanded duty pay of three thousand eight hundred fifty-two dollars ($3,852). Effective April 1, 2008 this amount shall be increased to five thousand fifty-two dollars ($5,052). Effective April 1, 2009, this amount shall be increased to six thousand two hundred fifty-two dollars ($6,252). Effective April 1, 2010, this amount shall be increased to seven thousand four hundred fifty-two dollars ($7,452). Such expanded duty pay is in recognition of such members expanded duties, including those related to counterterrorism and other post-September 11, 2001 initiatives, computer crimes, and law enforcement activities involving gambling regulation.

(b) Such expanded duty pay shall be annualized and paid during regular bi-weekly periods. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

S 13. Supervisory responsibility pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective March 31, 2005, certain members shall continue to receive additional compensation, as prescribed in the interest arbitration award dated February 4, 2005, when designated by the division of state police to work as a "unit coordinator", "acting senior investigator", or "acting administrative senior investigator".

(b) Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for the purposes of computation of overtime pay and retirement.

S 14. Location compensation. (a) Notwithstanding any other provision of law to the contrary, members in the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police whose principal place of employment or, in the case of a field employee, whose official station, as determined in accordance with the regulations of the state comptroller, is located in the county of Monroe, who were on the payroll on March 31, 1985, and who have received this location compensation continually since then, shall receive location pay at the rate of $200 per year; provided that each such member continues to be otherwise eligible.

(b) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit whose principal place of employment or, in the case of a field employee, whose official station, as determined in accordance with the regulations of the state comptroller, is located in the city of New York or in the counties of Rockland, Westchester, Nassau, or Suffolk shall receive location pay as follows:

Effective Date	Amount
April 1, 2007	$1,392
April 1, 2008	$1,434
April 1, 2009	$1,477
April 1, 2010	$1,536

(c) Such location pay as provided in this section shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

S 15. Supplemental location pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit whose principal place of employment, or, in the case of a field employee, whose official station, as determined in accordance with the regulations of the state comptroller, is located in the city of New York or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau, or Suffolk shall receive supplemental location pay, in addition to the location pay provided in section fourteen of this act, according to the following schedule:

Effective April 1, 2007	
Orange, Putnam or Dutchess County	$1,160
Rockland or Westchester County or city of New York	$1,739
Nassau or Suffolk County	$2,029

Effective April 1, 2008	
Orange, Putnam or Dutchess County	$1,195
Rockland or Westchester County or city of New York	$1,791
Nassau or Suffolk County	$2,090
Effective April 1, 2009	
Orange, Putnam or Dutchess County	$1,230
Rockland or Westchester County or city of New York	$1,845
Nassau or Suffolk County	$2,153
Effective April 1, 2010	
Orange, Putnam or Dutchess County	$1,280
Rockland or Westchester County or city of New York	$1,918
Nassau or Suffolk County	$2,239

(b) Such supplemental location pay shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that supplemental location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

S 16. Unused sick leave at retirement. Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit shall continue to receive a lump sum cash payment for accumulated and unused sick leave credits standing to the employee's credit at the time of separation from service by retirement. The amount of such payment shall be determined in the following manner:

(a) Effective April 1, 1998, the number of days of such accumulated and unused sick leave, not to exceed 300 days, less 165 days, shall be multiplied by the member's daily rate of pay in effect at the time of separation from service by retirement.

(b) The lump sum payment shall be one-fifth of such amount provided for in subdivision (a) of this section.

(c) Such additional compensation shall be in addition to and shall not be part of the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.

S 17. Physical fitness program. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 1999, a joint labor management committee shall be continued for the purpose of evaluating the assessment, study, and testing for the fitness of members of the employee organization. The division of state police shall administer such program through the provision of an annual appropriation. Members in the employee organization shall receive an annual fitness bonus if they satisfy the fitness requirements developed by the division of state police during a fiscal year. The amount of such

fitness bonus shall be determined by the committee within the amount appropriated therefor. Such awards shall be paid on or about December first of each fiscal year.

(b) Any amounts received pursuant to this section shall be in addition to, and shall not be a part of, the member's basic annual salary, and shall not affect or impair, any increments or other rights or benefits to which the member may be entitled; provided, however, that any amounts received shall be included as compensation for retirement purposes.

(c) The division of state police and the employee organization representing such unit may agree to expend the funds appropriated on an annual basis for the physical fitness program for a mutually agreeable alternate purpose.

S 18. Recognized degree pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit who possess or obtain a recognized degree from an accredited and recognized college or university on or after April 1, 2001, shall continue to receive a lump sum payment of $250 for an associate degree, $500 for a bachelor's degree, and $750 for a graduate degree. Payment for such degree shall occur annually in June of each year, and shall be for one degree only. When such degree is obtained in a fiscal year, such payment shall be made as soon as practicable after conferral of the degree.

(b) Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.

S 19. Payment and publication of grievance arbitration settlements and awards. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance arbitration settlements and awards pursuant to article 15 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, such provisions being in effect pursuant to paragraph (e) of subdivision 1 of section 209-a of the civil service law.

S 20. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any member of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary

rights or benefits on such officer or employee. Payment of such salary increase may be deferred pursuant to section twenty-one of this act.

S 21. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act or of any provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2007 until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such service and the compensation actually received therefor. Such lump sum payment shall be made as soon as practicable. The amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which the lump sum is paid.

S 22. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2009 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether occurred prior to or during the state fiscal year commencing April 1, 2009 or during the state fiscal year commencing April 1, 2010.

S 23. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section are hereby appropriated from the funds so designated for use by any state department or agency for the fiscal year beginning April 1, 2009 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2009 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2010. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2010. No money shall be available for expenditure from this appropriation until a certification of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

Special Pay Bills

General Fund - State Purposes Account

PERSONAL SERVICE

Personal Service - Regular.....$24,396,000
Overtime.....$1,934,000
Other compensation, including but not limited to premium in lieu of overtime, command pay, maintenance allowance, expanded duty pay, supervisory responsibility pay, location compensation and supplemental location compensation.....$9,637,000

NONPERSONAL SERVICE

Fringe benefits.....$2,926,000
Health Benefits Committee.....$15,000
Professional Development Fund.....$246,000
Employee Benefit Fund.....$194,000
Triborough Bridge Tolls (CSEA/PEF).....$800,000
Contract administration.....$50,000

Special Revenue Funds - Other
Miscellaneous Special Revenue Fund - 339
Indian Gaming Account

PERSONAL SERVICE

Personal Service - Regular.....$1,501,000
Overtime.....$26,000
Other compensation, including but not limited to premium in lieu of overtime, command pay, maintenance allowance, expanded duty pay, supervisory responsibility pay, location compensation and supplemental location compensation.....$555,000

NONPERSONAL SERVICE

Fringe Benefits.....$1,029,000

Special Revenue Funds - Other
Miscellaneous Special Revenue Fund - 339
New York State Thruway Authority Account

PERSONAL SERVICE

Personal Service - Regular.....$139,000
Overtime.....$2,000
Other compensation, including but not limited to premium in lieu of overtime, command pay, maintenance allowance, expanded duty pay, supervisory responsibility pay, location compensation and supplemental location compensation.....$60,000

NONPERSONAL SERVICE

Fringe Benefits.....$100,000

S 24. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2007.

REPEAL NOTE.-- Paragraph b of subdivision 2 of section 216 of the executive law, repealed by section one of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police which are now contained in section 215 of the executive law.

Paragraph a of subdivision 2 of section 216 of the executive law, repealed by section two of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised salary schedules in a new paragraph a of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Paragraph b of subdivision 2 of section 207-b of the state finance law, repealed by section three of this act, provided for payments to an employee benefit fund for state employees in the particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised schedule of payments to be made to such fund in a new paragraph b of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Subdivision 2 of section 216-c of the executive law, repealed by section four of this act, provided for holiday compensation payments based on four days pay to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised payment amount in a new subdivision 2 of such section implementing an agreement pursuant to Article 14 of the civil service law.

Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of the executive law, repealed by section five of this act, provided for certain longevity payments to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised longevity schedule in new paragraphs (b) and (c) of such subdivision 5 implementing an agreement pursuant to Article 14 of the civil service law.