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

5965

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by Sen. SAVINO -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of certain members of the security supervisors unit who are employed by the state department of correctional services and are designated as peace officers; to amend the state finance law, in relation to the employee benefit fund for certain members of the security supervisors unit; to provide for the payment of a firearms training and safety incentive for peace officers who are members of the professional, scientific and professional services bargaining unit; to implement an interest arbitration award issued between the state and the employee organization representing certain members of the security supervisors unit; to make an appropriation for the purpose of effectuating certain of the provisions thereof; and to repeal certain provisions of the civil service law relating thereto

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

Section 1. Subparagraphs 1 and 2 of paragraph j of subdivision 1 of section 130 of the civil service law are REPEALED and three new subparagraphs 1, 2 and 3 are added to read as follows:

(1) EFFECTIVE APRIL FIRST, TWO THOUSAND FIVE:

SECURITY SUPERVISORS SALARY SCHEDULE -
ARBITRATION ELIGIBLE ONLY
EFFECTIVE MARCH 31, 2005 (INSTITUTIONAL) AND
EFFECTIVE APRIL 7, 2005 (ADMINISTRATIVE)

PERF. AD-	PERF. AD-	PERF. AD-	PERF. AD-	PERF. AD-	LONG MAX.

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

LBD12092-01-9

SG	HIRING RATE	VANCE STEP 1	VANCE STEP 2	VANCE STEP 3	VANCE STEP 4	VANCE STEP 5	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	25-YR LONG STEP
1	18788	19618	20448	21278	22108	22938	23768	830	25008	26249	28652	29893
2	19510	20384	21258	22132	23006	23880	24754	874	26066	27378	29853	31166
3	20519	21431	22343	23255	24167	25079	25991	912	27360	28729	31260	32629
4	21488	22449	23410	24371	25332	26293	27254	961	28694	30133	32735	34174
5	22553	23564	24575	25586	26597	27608	28619	1011	30133	31648	34325	35839
6	23788	24851	25914	26977	28040	29103	30166	1063	31761	33356	36115	37711
7	25192	26300	27408	28516	29624	30732	31840	1108	33498	35157	37978	39637
8	26670	27819	28968	30117	31266	32415	33564	1149	35288	37012	39896	41621
9	28216	29415	30614	31813	33012	34211	35410	1199	37212	39013	41978	43779
10	29875	31136	32397	33658	34919	36180	37441	1261	39329	41216	44265	46153
11	31702	33014	34326	35638	36950	38262	39574	1312	41539	43504	46633	48599
12	33522	34891	36260	37629	38998	40367	41736	1369	43793	45851	49068	51125
13	35584	37015	38446	39877	41308	42739	44170	1431	46312	48454	51759	53901
14	37687	39187	40687	42187	43687	45187	46687	1500	48931	51176	54582	56826
15	39914	41474	43034	44594	46154	47714	49274	1560	51612	53951	57449	59786
16	42224	43854	45484	47114	48744	50374	52004	1630	54448	56892	60495	62938
17	44653	46370	48087	49804	51521	53238	54955	1717	57526	60096	63829	66400
18	47249	49051	50853	52655	54457	56259	58061	1802	60764	63468	67333	70037
19	49880	51762	53644	55526	57408	59290	61172	1882	63993	66814	70798	73620
20	52491	54458	56425	58392	60359	62326	64293	1967	67246	70199	74312	77266
21	55368	57420	59472	61524	63576	65628	67680	2052	70758	73835	78074	81151
22	58381	60554	62727	64900	67073	69246	71419	2173	74674	77928	82344	85599
23	61591	63826	66061	68296	70531	72766	75001	2235	78355	81709	86222	89575
24	64977	67295	69613	71931	74249	76567	78885	2318	82360	85836	90475	93951
25	68656	71073	73490	75907	78324	80741	83158	2417	86782	90405	95193	98817

(2) EFFECTIVE APRIL FIRST, TWO THOUSAND SIX:

SECURITY SUPERVISORS SALARY SCHEDULE -
ARBITRATION ELIGIBLE ONLY
EFFECTIVE MARCH 30, 2006 (INSTITUTIONAL) AND
EFFECTIVE APRIL 6, 2006 (ADMINISTRATIVE)

SG	HIRING RATE	PERF. ADVANCE STEP 1	PERF. ADVANCE STEP 2	PERF. ADVANCE STEP 3	PERF. ADVANCE STEP 4	PERF. ADVANCE STEP 5	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	LONG MAX. 25-YR LONG STEP
1	19305	20158	21011	21864	22717	23570	24423	853	25697	26972	29441	30716
2	20047	20945	21843	22741	23639	24537	25435	898	26783	28131	30674	32023
3	21083	22020	22957	23894	24831	25768	26705	937	28112	29518	32119	33526
4	22079	23066	24053	25040	26027	27014	28001	987	29481	30959	33633	35111
5	23173	24212	25251	26290	27329	28368	29407	1039	30963	32519	35270	36826
6	24442	25534	26626	27718	28810	29902	30994	1092	32633	34272	37107	38746
7	25885	27024	28163	29302	30441	31580	32719	1139	34423	36127	39026	40730
8	27403	28584	29765	30946	32127	33308	34489	1181	36260	38032	40995	42768
9	28992	30224	31456	32688	33920	35152	36384	1232	38236	40086	43133	44983
10	30697	31993	33289	34585	35881	37177	38473	1296	40413	42352	45485	47425
11	32574	33922	35270	36618	37966	39314	40662	1348	42681	44700	47915	49935
12	34444	35851	37258	38665	40072	41479	42886	1407	45000	47114	50420	52533
13	36563	38033	39503	40973	42443	43913	45383	1470	47584	49785	53181	55382
14	38723	40264	41805	43346	44887	46428	47969	1541	50275	52581	56081	58387
15	41012	42615	44218	45821	47424	49027	50630	1603	53032	55436	59030	61431

16	43385	45060	46735	48410	50085	51760	53435	1675	55946	58457	62160	64670
17	45881	47645	49409	51173	52937	54701	56465	1764	59107	61747	65583	68225
18	48548	50400	52252	54104	55956	57808	59660	1852	62437	65216	69187	71965
19	51252	53186	55120	57054	58988	60922	62856	1934	65755	68653	72747	75646
20	53935	55956	57977	59998	62019	64040	66061	2021	69095	72129	76356	79391
21	56891	58999	61107	63215	65323	67431	69539	2108	72702	75863	80219	83380
22	59986	62219	64452	66685	68918	71151	73384	2233	76729	80072	84609	87954
23	63285	65582	67879	70176	72473	74770	77067	2297	80513	83959	88597	92042
24	66764	69146	71528	73910	76292	78674	81056	2382	84627	88198	92965	96536
25	70544	73028	75512	77996	80480	82964	85448	2484	89172	92894	97814	101538

(3) EFFECTIVE MARCH THIRTY-FIRST, TWO THOUSAND SEVEN:

SECURITY SUPERVISORS SALARY SCHEDULE -
ARBITRATION ELIGIBLE ONLY
EFFECTIVE MARCH 31, 2007 (INSTITUTIONAL) AND
EFFECTIVE MARCH 31, 2007 (ADMINISTRATIVE)

SG	HIRING RATE	PERF. ADVANCE STEP 1	PERF. ADVANCE STEP 2	PERF. ADVANCE STEP 3	PERF. ADVANCE STEP 4	PERF. ADVANCE STEP 5	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	LONG MAX. 25-YR LONG STEP
1	22355	23208	24061	24914	25767	26620	27473	853	28747	30022	32491	33766
2	23097	23995	24893	25791	26689	27587	28485	898	29833	31181	33724	35073
3	24133	25070	26007	26944	27881	28818	29755	937	31162	32568	35169	36576
4	25129	26116	27103	28090	29077	30064	31051	987	32531	34009	36683	38161
5	26223	27262	28301	29340	30379	31418	32457	1039	34013	35569	38320	39876
6	27492	28584	29676	30768	31860	32952	34044	1092	35683	37322	40157	41796
7	28935	30074	31213	32352	33491	34630	35769	1139	37473	39177	42076	43780
8	30453	31634	32815	33996	35177	36358	37539	1181	39310	41082	44045	45818
9	32042	33274	34506	35738	36970	38202	39434	1232	41286	43136	46183	48033
10	33747	35043	36339	37635	38931	40227	41523	1296	43463	45402	48535	50475
11	35624	36972	38320	39668	41016	42364	43712	1348	45731	47750	50965	52985
12	37494	38901	40308	41715	43122	44529	45936	1407	48050	50164	53470	55583
13	39613	41083	42553	44023	45493	46963	48433	1470	50634	52835	56231	58432
14	41773	43314	44855	46396	47937	49478	51019	1541	53325	55631	59131	61437
15	44062	45665	47268	48871	50474	52077	53680	1603	56082	58486	62080	64481
16	46435	48110	49785	51460	53135	54810	56485	1675	58996	61507	65210	67720
17	48931	50695	52459	54223	55987	57751	59515	1764	62157	64797	68633	71275
18	51598	53450	55302	57154	59006	60858	62710	1852	65487	68266	72237	75015
19	54302	56236	58170	60104	62038	63972	65906	1934	68805	71703	75797	78696
20	56985	59006	61027	63048	65069	67090	69111	2021	72145	75179	79406	82441
21	59941	62049	64157	66265	68373	70481	72589	2108	75752	78913	83269	86430
22	63036	65269	67502	69735	71968	74201	76434	2233	79779	83122	87659	91004
23	66335	68632	70929	73226	75523	77820	80117	2297	83563	87009	91647	95092
24	69814	72196	74578	76960	79342	81724	84106	2382	87677	91248	96015	99586
25	73594	76078	78562	81046	83530	86014	88498	2484	92222	95944	100864	104588

S 2. Subdivision 2-a of section 207-a of the state finance law, as amended by chapter 375 of the laws of 2007, is amended to read as follows:

2-a. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law OR AN INTEREST ARBITRATION AWARD ISSUED PURSUANT TO SUBDIVISION FOUR OF SECTION TWO HUNDRED NINE OF THE CIVIL SERVICE LAW so provides on behalf of employees in the collective negotiating unit

designated as the security supervisors unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision 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, as determined by the comptroller, on the payroll on the last day of the payroll period in which March first, two thousand three falls for payments to be made on April first, two thousand three, on the last day of the payroll period in which March first, two thousand four falls for payments to be made on April first, two thousand four, on the last day of the payroll period in which March first, two thousand five falls for payments to be made on April first, two thousand five and on the last day of the payroll period in which March first, two thousand six falls for payments to be made on April first, two thousand six. 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 comptroller will establish procedures to ensure repayment from said special or administrative funds. The director may enter into an agreement with an employee organization which sets forth the specific terms and conditions of the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section. SUCH AGREEMENT SHALL PROVIDE THAT ANY CONTRIBUTIONS PAID TO THE EMPLOYEE ORGANIZATION FOR THE ESTABLISHMENT AND MAINTENANCE OF THE EMPLOYEE BENEFIT FUND PURSUANT TO THIS SECTION ON BEHALF OF ELIGIBLE MEMBERS OF THIS UNIT SHALL BE OFFSET BY CONTRIBUTIONS ALREADY MADE ON BEHALF OF THOSE MEMBERS IN EACH OF THE COVERED YEARS, WHERE APPLICABLE.

S 3. Compensation for certain members of the collective negotiating unit designated as security supervisors pursuant to an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law.

1. The provisions of this section shall apply to full-time annual salaried members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law.

2. Effective April 1, 2005, the basic annual salary of members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law and who are in full-time annual salaried employment status on March 31, 2005 shall be increased by 2 1/4 percent.

3. Effective April 1, 2006, the basic annual salary of members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law and who are in full-time annual salaried employment status on March 31, 2006 shall be increased by 2 3/4 percent.

4. Effective March 31, 2007, the basic annual salary of members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are desig-

nated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and who are in full-time annual salaried employment status on March 31, 2007 shall be increased by $3,050 to reflect the items of clothing maintenance allowance and security enforcement differential added to base salary.

5. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for members of the collective negotiating unit designated as security supervisors who are entitled to such payments shall be payable pursuant to the terms of a determination made by the arbitration panel and pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.

6. Effective April 1, 2005, pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, for such unit members who are on the institutional or administrative payroll, the 10-year, the 15-year, the 20-year and the 25-year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by subparagraphs 1, 2 or 3 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act.

7. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2005 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 1 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2005 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2006 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 2 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2006 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4

or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2007 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 3 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on March 31, 2007 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three and four of this section.

8. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit members to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.

9. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate.

S 4. Additional compensation for certain members of the collective negotiating unit designated as security supervisors who are full-time annual salaried and who are employed by the state department of correctional services and are peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law.

1. In recognition of the general requirement for full-time employees of the state in the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law, to assemble for briefing prior to the commencement of duties, where and to the extent an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of employees in the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law, each such employee except such an employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, shall receive additional compensation in recognition of pre-shift briefing.

2. Each such employee holding a position in the collective negotiating unit designated as security supervisors shall be compensated for pre-shift briefing in accordance with the terms of a collectively negotiated agreement, continued pursuant to subparagraph e of subdivision 1 of section 209-a of the civil service law, between the state and the employee organization representing the security supervisors unit. No payments authorized pursuant to this section and such negotiated agreement shall be made to an employee who is in non-pay status for that day.

3. Any such additional compensation pursuant to this section shall be paid in addition to and shall not be a part of the employee's basic annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such employees in recognition of pre-shift briefing.

S 5. Corrections clothing maintenance allowance. Effective April 1, 2005, pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the collective negotiating unit designated as security supervisors who are full-time annual salaried employees and are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, in recognition of the general requirement for such unit members to wear a uniform and to the extent that a determination made by the public arbitration panel so provides on behalf of such unit members each such employee who is on the payroll on the first day of November preceding the annual effective date shall continue to receive an allowance for cleaning and maintenance at the rate of $1,500 per year effective December 1, 2005, in accordance with the determination made by the public arbitration panel. Such allowance shall be payable by separate check on or about December first of each year. Effective March 31, 2007, the corrections clothing maintenance allowance of $1,500 shall be added to the basic annual salary of those employees in payroll status on March 30, 2007. Such addition to basic annual salary on March 31, 2007 is specified in subdivision 4 of section three of this act. Effective March 31, 2007, the separate allowance for the cleaning and maintenance of such unit members' uniforms to whom the provisions of this section apply shall be rolled into basic annual salary and shall no longer be reflected separately for the unit members to whom the provisions of this section apply. Retroactive payments shall be payable as soon as practicable for the retroactive provisions of this section. Any amounts to be received by eligible members of this unit shall be offset by payments already received as uniform allowance in each year and the remainder, if any, shall be calculated as part of a retroactive payment.

S 6. Location compensation. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering certain members of the collective negotiating unit designated as security supervisors, and notwithstanding any inconsistent provision of law, effective April 1, 2005, all members of this unit who are employed by the state department of correctional services as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees and 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 location pay in the following annual amounts:

Orange, Putnam, Dutchess	$1,092
NYC, Rockland, Westchester	$2,938
Nassau, Suffolk	$3,093

Effective April 1, 2006, all members of this unit who are employed by the state department of correctional services as peace officers pursuant

to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees and 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 location pay in the following annual amounts:

Orange, Putnam, Dutchess	$1,126
NYC, Rockland, Westchester	$3,026
Nassau, Suffolk	$3,093

This payment shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes. Furthermore, effective April 1, 2005, there shall be no other payment for location pay or supplemental location pay as they have been combined into a single payment and increased in accordance with the amounts set forth herein. Any amounts to be received by eligible members of this unit shall be offset by payments already received as location pay and supplemental location pay in each year and the remainder, if any, shall be calculated as part of a retroactive payment. Retroactive payments shall be payable as soon as practicable for the retroactive provisions of this section.

S 7. Security enforcement differential. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering certain members of the collective negotiating unit designated as security supervisors, members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, are full-time annual salaried employees, and notwithstanding any provision of law, rule or regulation to the contrary, effective April 1, 2005, the annual security enforcement differential for such unit members to whom the provisions of this section apply shall be increased by $275 to $850; and effective April 1, 2006, the differential shall be increased by $250 to $1,100. Effective March 31, 2007, the security enforcement differential shall be increased by $450 to $1,550, and such amount shall be added on March 31, 2007 to the basic annual salary of such unit members to whom the provisions of this section apply in accordance with subdivision 4 of section three of this act. Effective March 31, 2007, the security enforcement differential will thereafter be rolled into base annual salary and shall no longer be reflected separately for the unit members to whom the provisions of this section apply. Such amounts cited in this section shall be offset by payments already received as security enforcement differential in each year and the remainder shall be calculated as part of a retroactive payment. All compensation received pursuant to this section shall continue to be included as compensation for retirement purposes.

S 8. Inconvenience pay program. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security supervisors unit who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, effective April 1, 2006, such unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of correctional services, shall be paid $1,800 per year in equal bi-weekly installments for work on such shift. Effective April 1, 2006,

such unit members to whom the provisions of this section apply who work the night shift as defined by the individual facilities within the department of correctional services shall be paid $900 per year in equal bi-weekly installments for work on such shift. Such amounts, for such unit members to whom the provisions of this section apply and who work either the evening shift or the night shift as specified above, shall be offset by payments already received as inconvenience pay effective April 1, 2006 and the remainder shall be calculated as part of a retroactive payment. Such unit members to whom the provisions of this section apply on approved paid leave shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

S 9. Command pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering those members of the collective negotiating unit designated as security supervisors who are employed by the department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees, notwithstanding any provision of law, rule or regulation to the contrary, effective April 1, 2005, these designated unit members shall continue to receive $1,500 annually, in recognition of the command duties and responsibilities performed by these designated peace officers with regard to infectious disease, mental health, crime scene control, prisoner transport and other inter-agency issues which arise in correctional facilities. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

S 10. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law cover-ing members of the security supervisors collective negotiating unit who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, are full-time annual salaried employees, and notwithstanding any provision of law, rule or regulation to the contrary, during the period April 1, 2005 through March 31, 2007, there shall continue to be a committee on health benefits funded in the amount of $6,400 annually. One-half of these amounts in each year shall be made available to each party.

S 11. Notwithstanding any provision of law to the contrary, effective April 1, 2008, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides for a pilot program concerning a firearms training and safety incentive for peace officers in the profes-sional, scientific and technical services bargaining unit, a lump sum payment for such incentive shall be paid for each year of such pilot program to any employee who is deemed qualified pursuant to such agree-ment. Such payment shall be in an amount negotiated for those employees who meet criteria established by such pilot program. Such payment shall occur at the time prescribed by such pilot program or as soon as practi-cable thereafter. Such lump sum payment shall not be paid in any year an employee does not meet the qualifications and criteria of such pilot program or upon cessation of such pilot program on April 1, 2011 unless an extension is negotiated by the parties. Such lump sum payment shall be considered salary for overtime purposes.

S 12. Notwithstanding any provision of law to the contrary, the appro-priations contained in this act shall be available to the state for the

payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law.

S 13. No member of the collective negotiating unit designated as security supervisors shall be entitled to any increase in any compensation provided for in this act until and unless such member is employed by the state department of correctional services and is designated as a peace officer pursuant to subdivision 25 of section 2.10 of the criminal procedure law and is a full-time annual salaried employee.

S 14. Notwithstanding any provision of law, rule or regulation to the contrary, and where and to the extent an agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law so provides, the salaries of newly hired employees on or after September 1, 1992 into state service in positions within said negotiating unit shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.

S 15. 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 members of the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law who are full-time annual salaried employees and who are employed by the state department of correctional services and are peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, 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 unit members 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 unit members. Payment of such salary increase may be deferred pursuant to section sixteen of this act.

S 16. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act, or of any other 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, 2005, 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 services 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 it is paid. Notwithstanding any provision of law, rule or regulation to the contrary, and pursuant to the terms of an interest arbitration award issued by the public arbitration panel pursuant to subdivision 4 of section 209 of the civil service law, no member of the collective negotiating unit designated as security supervisors to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the interest arbitration award issued by the public arbitration panel pursuant to subdivision 4 of section 209 of the civil service law.

S 17. 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.

S 18. 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, or so much thereof as may be necessary, are hereby appropriated from the fund 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 April 1, 2009 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2009. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2009. No money shall be available for expenditure from this appropriation until a certificate 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

General Fund / State Operations
State Purposes Account
Personal Service

Personal service - regular $9,722,000

Other compensation, including but not limited to, overtime, holiday pay, longevities, security enforcement differential, location, supplemental location, inconvenience pay, expanded duty pay $5,841,000

NONPERSONAL SERVICE

Fringe benefits $1,191,000
Joint committee on health benefits $13,000
Contract administration $200,000
Employee benefit fund $3,000
Employee assistance program $300,000

S 19. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005; provided that section eleven of this act shall be deemed to have been in full force and effect on and after April 1, 2008.

REPEAL NOTE.--Subparagraphs 1 and 2 of paragraph j of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in new subparagraphs 1, 2 and 3 of paragraph j of subdivision 1 of section 130 of the civil service law.