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

6009

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

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

AN ACT in relation to establishing a special commission on compensation, and providing for their powers and duties; and to provide periodic salary increases to state officers

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

Section 1. (a) On the first of April of every fourth year, commencing April 1, 2010, there shall be established for such year a commission on judicial compensation to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges and justices of the state-paid courts of the unified court system. In accordance with the provisions of this section, the commission shall:

(i) examine the prevailing adequacy of pay levels and non-salary benefits received by the judges and justices of the state-paid courts of the unified court system and determine whether any of such pay levels warrant adjustment; and

(ii) determine whether, for any of the four years following the year in which the commission is established, the annual salaries for the judges and justices of the state-paid courts of the unified court system warrant adjustment.

In discharging its responsibilities under paragraphs (i) and (ii) of this subdivision, the commission shall take into account all appropriate factors including, but not limited to: the overall economic climate; rates of inflation; changes in public-sector spending; the levels of compensation and non-salary benefits received by judges, executive branch officials and legislators of other states and of the federal government; the levels of compensation and non-salary benefits received by professionals in government, academia and private and nonprofit

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

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enterprise; and the state's ability to fund increases in compensation and non-salary benefits.

(b) The commission shall consist of 7 members to be appointed as follows: 3 shall be appointed by the governor; 1 shall be appointed by the temporary president of the senate; 1 shall be appointed by the speaker of the assembly; and 2 shall be appointed by the chief judge of the state. Of the members appointed by an official pursuant to this subdivision, where such official has more than one such appointment, at least one-half (at least a majority, in the case of the governor) shall not be employees of the state or any political subdivision thereof, and at least one-half shall not be members of the bar of the state. The governor shall designate the chair of the commission from among the members so appointed. Vacancies in the commission shall be filled in the same manner as original appointments. To the extent practicable, members of the commission shall have experience in one or more of the following: determination of executive compensation, human resource administration and financial management.

(c) The commission may meet within and without the state, may hold public hearings and shall have all the powers of a legislative committee pursuant to the legislative law.

(d) The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

(e) No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, ordinance or city charter.

(f) To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission, agency or public authority of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties pursuant to this section.

(g) The commission may employ and at its pleasure remove such personnel as it may deem necessary for the performance of its functions and fix compensation within amounts made available therefor by appropriation.

(h) The commission shall make a report to the governor, the legislature and the chief judge of the state of its findings, conclusions, determinations and recommendations, if any, not later than one hundred fifty days after its establishment. Each recommendation made to implement a determination pursuant to paragraph (ii) of subdivision (a) of this section shall have the force of law, and shall supersede inconsistent provisions of article 7-B of the judiciary law, unless modified or abrogated by statute prior to April first of the year as to which such determination applies.

(i) Upon the making of its report as provided in subdivision (h) of this section, each commission established pursuant to this section shall be deemed dissolved.

S 2. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other law, each increase in salary or compensation of any officer or employee provided by this act shall be added to the salary or compensation of such officer or employee 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, the payment of such salary increase pursuant to this section on a date prior thereto instead of on such effective date, shall not operate to confer any additional salary rights or benefits on such officer or employee.

S 3. The annual salaries as prescribed pursuant to this act for the state-paid judges and justices of the unified court system whenever adjusted pursuant to the provisions of this act, shall be rounded up to the nearest multiple of one hundred dollars.

S 4. This act shall take effect immediately.