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

10404

I N A S S E M B L Y

May 25, 2012

Introduced by M. of A. MONTESANO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the general municipal law, in relation to salary increases for heads of police departments of municipalities, districts or authorities

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

Section 1. The general municipal law is amended by adding a new section 207-m to read as follows:

S 207-M. SALARY INCREASES FOR HEADS OF POLICE DEPARTMENTS OF MUNICIPALITIES, DISTRICTS OR AUTHORITIES. 1. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW OR ADMINISTRATIVE CODE TO THE CONTRARY, AND EXCEPT IN POLICE DEPARTMENTS WHICH EMPLOY FIVE HUNDRED SEVENTY-FIVE OR MORE PERMANENT SWORN POLICE PERSONNEL, WHENEVER THE BASE SALARY OR OTHER COMPENSATION OF THE PERMANENT FULL-TIME POLICE OFFICER WHO IS A MEMBER OF A NEGOTIATING UNIT AND WHO IS THE HIGHEST RANKING SUBORDINATE TO THE HEAD OF THE POLICE DEPARTMENT IN SUCH UNIT, IS INCREASED, THE SALARY, AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, OF THE PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT SHALL BE INCREASED BY AT LEAST THE SAME DOLLAR AMOUNT OF THE BASE SALARY INCREASE RECEIVED BY SUCH NEXT SUBORDINATE POLICE OFFICER, AND THE OTHER COMPENSATION, AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, OF THE PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT SHALL BE INCREASED TO THE SAME EXTENT AND WITH THE SAME CONDITIONS AS THE OTHER COMPENSATION RECEIVED BY THE NEXT SUBORDINATE POLICE OFFICER IN THE EVENT THAT SUCH SUBORDINATE OFFICER'S OTHER COMPENSATION IS INCREASED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY HEAD OF A POLICE DEPARTMENT WHO IS A MEMBER OF A COLLECTIVE NEGOTIATING UNIT ESTABLISHED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

2. FOR THE PURPOSES OF THIS SECTION, SALARY SHALL MEAN FIXED PERIODIC COMPENSATION PAYABLE BY AN EMPLOYER TO OR FOR THE ACCOUNT OF THE EMPLOYEE FOR PERSONAL SERVICES RENDERED BY SUCH EMPLOYEE; OTHER COMPENSATION SHALL MEAN ALL OTHER FORMS OF BENEFITS WHICH ARE CREDITED TO EMPLOYEES AS A TERM OF EMPLOYMENT, WHICH SHALL SPECIFICALLY INCLUDE, BUT NOT BE

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

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LIMITED TO, EMPLOYER CONTRIBUTION TO OR PAYMENTS OF INSURANCE OR WELFARE BENEFITS AND EMPLOYER CONTRIBUTIONS TO PENSION OR ANNUITY FUNDS. OVERTIME, HOLIDAY AND SHIFT DIFFERENTIAL PAY SHALL NOT BE CONSIDERED AS SALARY OR OTHER COMPENSATION UNLESS BY RESOLUTION, ORDINANCE, SPECIAL OR LOCAL LAW THE MUNICIPALITY, DISTRICT OR AUTHORITY ELECTS TO INCLUDE THESE ITEMS OF COMPENSATION WITHIN THE EMPLOYMENT BENEFIT PACKAGE OF THE PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT.

3. EMPLOYERS OF A PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT COVERED BY THIS SECTION SHALL NOT BE REQUIRED TO COMPENSATE A NEWLY APPOINTED PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT AT THE SAME SALARY LEVEL AS THE PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT WHO OCCUPIED THE POSITION IMMEDIATELY PRIOR TO SUCH APPOINTMENT. AFTER SUCH APPOINTMENT, THE SALARY AND OTHER COMPENSATION OF A NEWLY APPOINTED PERMANENT FULL-TIME HEAD OF POLICE SHALL BE SUBJECT TO SUBDIVISIONS ONE AND TWO OF THIS SECTION.

S 2. This act shall take effect immediately.