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

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2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. RAIA, D. MILLER, MURRAY, MONTESANO, DenDEKKER, REILICH, PALMESANO, P. RIVERA, N. RIVERA, McDONOUGH, KATZ, STEVENSON, GIGLIO -- Multi-Sponsored by -- M. of A. CERETTO, JORDAN, THIELE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, the public authorities law, the legislative law, the public officers law, the general municipal law, the executive law and the judiciary law, in relation to placing a limit on the annual salary of state officers and employees

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

Section 1. Section 130 of the civil service law is amended by adding a new subdivision 15 to read as follows:

15. NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR PROVISION OF LAW TO THE CONTRARY, NO OFFICER OR EMPLOYEE TO WHOM THE PROVISIONS OF THIS SUBDIVISION APPLY SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICER OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SUBDIVISION SHALL NOT APPLY WHERE AN AGREEMENT BETWEEN THE STATE AND A CERTIFIED EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER PROVIDES FOR SUCH AN INCREASE ON BEHALF OF A POSITION IN A COLLECTIVE NEGOTIATING UNIT REPRESENTED BY SUCH EMPLOYEE ORGANIZATION.

S 2. The title heading of title 1 of article 1 of the public authorities law, as added by chapter 506 of the laws of 2009, is amended to read as follows:

SHORT TITLE; DEFINITIONS; EMPLOYEES SALARY CAP

S 3. The public authorities law is amended by adding a new section 3 to read as follows:

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

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S 3. EMPLOYEES SALARY CAP. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO OFFICER OR EMPLOYEE OF ANY PUBLIC AUTHORITY SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICER OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SECTION SHALL NOT APPLY WHERE AN EMPLOYMENT AGREEMENT BETWEEN A PUBLIC AUTHORITY AND SUCH OFFICER OR EMPLOYEE ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS SECTION PROVIDES FOR SUCH AN INCREASE.

S 4. Section 10 of the legislative law, as amended by chapter 230 of the laws of 1949, is amended to read as follows:

S 10. Compensation of officers and employees. A. The secretary of the senate, the clerk of the assembly, and all other officers and employees of the senate and assembly, shall be paid the compensation fixed by the appointing officer within the amount provided by appropriation.

B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO OFFICER OR EMPLOYEE OF THE LEGISLATURE SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICE OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SECTION SHALL NOT APPLY WHERE AN EMPLOYMENT AGREEMENT BETWEEN THE LEGISLATURE AND SUCH OFFICER OR EMPLOYEE PROVIDES FOR SUCH AN INCREASE.

S 5. The public officers law is amended by adding a new section 71-a to read as follows:

S 71-A. STATE AND LOCAL OFFICERS AND EMPLOYEES SALARY CAP. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO STATE OFFICER OR LOCAL OFFICER, AS DEFINED IN SECTION TWO OF THIS CHAPTER, OR EMPLOYEE THEREOF, SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICER OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SECTION SHALL NOT APPLY WHERE AN EMPLOYMENT AGREEMENT BETWEEN SUCH STATE OR LOCAL OFFICE AND SUCH OFFICER OR EMPLOYEE ENTERED INTO PROVIDES FOR SUCH AN INCREASE.

S 6. The general municipal law is amended by adding a new section 90-a to read as follows:

S 90-A. PUBLIC OFFICERS AND EMPLOYEES SALARY CAP. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO PUBLIC OFFICER OR OTHER EMPLOYEE EMPLOYED BY A MUNICIPAL CORPORATION, AS DEFINED IN SECTION TWO OF THIS CHAPTER, SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICER OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SECTION SHALL NOT APPLY WHERE AN EMPLOYMENT AGREEMENT BETWEEN SUCH MUNICIPAL CORPORATION AND SUCH OFFICER OR EMPLOYEE PROVIDES FOR SUCH AN INCREASE.

S 7. Section 30 of the executive law is amended to read as follows:

S 30. Executive department. A. There shall continue to be in the state government an executive department. The head of the executive department shall be the governor. The governor may appoint such subordinates and employees as may be necessary for the exercise of his powers and the

performance of his duties as head of the executive department, and may prescribe their duties and fix their compensation within the amounts appropriated therefor.

B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO SUBORDINATE OR EMPLOYEE EMPLOYED BY THE EXECUTIVE DEPARTMENT SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICER OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SECTION SHALL NOT APPLY WHERE AN EMPLOYMENT AGREEMENT BETWEEN SUCH MUNICIPAL CORPORATION AND SUCH OFFICER OR EMPLOYEE ENTERED INTO PROVIDES FOR SUCH AN INCREASE.

S 8. Section 37 of the judiciary law is amended by adding a new subdivision 4-a to read as follows:

4-A. SALARY CAP. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO NON-JUDICIAL OFFICER OR EMPLOYEE SHALL BE ENTITLED TO AN INCREASE IN ANNUAL SALARY, IF THE ANNUAL SALARY OF THAT OFFICER OR EMPLOYEE AT THE TIME EQUALS OR EXCEEDS, OR WITH THE INCREASE WOULD EQUAL OR EXCEED, THE ANNUAL SALARY OF THE GOVERNOR, UNLESS SUCH INCREASE IS APPROVED BY A MAJORITY VOTE OF BOTH THE SENATE AND ASSEMBLY; PROVIDED FURTHER THAT THIS SECTION SHALL NOT APPLY WHERE AN AGREEMENT, BETWEEN THE STATE AND A CERTIFIED EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW PROVIDES FOR SUCH AN INCREASE ON BEHALF OF A POSITION IN A COLLECTIVE NEGOTIATING UNIT REPRESENTED BY SUCH EMPLOYEE ORGANIZATION OR WHERE ANY OTHER EMPLOYMENT AGREEMENT BETWEEN THE STATE AND SUCH OFFICER OR EMPLOYEES PROVIDES FOR SUCH AN INCREASE.

S 9. This act shall take effect immediately.