

8445

2011-2012 Regular Sessions

I N A S S E M B L Y

June 15, 2011

Introduced by M. of A. FARRELL -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to provide for the adjustment of stipends of certain incumbents in the state university of New York and designating moneys therefor; to continue a doctoral program recruitment and retention enhancement fund; to continue an employee assistance program; to continue a professional development committee; to continue a comprehensive college graduate program recruitment and retention fund; to continue a fee mitigation fund; to continue a downstate location fund; to continue a joint labor management advisory board and to create an accidental death benefit

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

1 Section 1. Adjustment to stipends of certain incumbents in the state
2 university of New York. a. The stipends as of academic year 2007-2008
3 for incumbents of positions in the state university of New York in the
4 collective negotiating unit designated as the state university graduate
5 student negotiating unit in the state university of New York established
6 pursuant to article 14 of the civil service law, on September 30, 2007,
7 shall be increased by three percent, rounded up to the next dollar,
8 commencing the beginning of the payroll period the first day of which is
9 nearest to October 1, 2007. "Incumbent," as referenced in this subdivi-
10 sion and subdivision b of this section, shall be defined as members of
11 the state university graduate student negotiating unit established
12 pursuant to article 14 of the civil service law who were employed by the
13 state university of New York on or after July 2, 2007, and are also
14 employed by the state university of New York at the time of payment or
15 are matriculated at the same campus in which they were employed at the
16 time of payment.
17 b. The stipends as of academic year 2008-2009 for incumbents of posi-
18 tions in the state university of New York in the collective negotiating

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

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unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2008, shall be increased by three percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2008.

c. (i) This subdivision shall apply to employees in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law.

(ii) The minimum stipend for academic year 2007-2008 shall increase by three percent to eight thousand three hundred thirty-six dollars annually for employees on full assistantships at university center campuses effective concurrent with the effective date of the increase in subdivision a of this section commencing the beginning of the payroll period the first day of which is nearest to October 1, 2007.

(iii) The minimum stipend for academic year 2008-2009 shall increase by three percent to be eight thousand five hundred eighty-six dollars annually for employees on full assistantships at university center campuses effective concurrent with the effective date of the increase in subdivision b of this section commencing the beginning of the payroll period the first day of which is nearest to October 1, 2008.

(iv) Nothing herein shall prevent the state university of New York, in its discretion, from increasing amounts paid to incumbents of positions of the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law in addition to the minimum stipend provided, however, that the amounts required for such other increases and the cost of fringe benefits attributable to such other increases, as determined by the comptroller, are made available to the state in accordance with procedures established by the state university of New York.

d. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the chancellor of the state university of New York, the director of the budget, and the director of the governor's office of employee relations, such increase is not warranted or is not appropriate.

S 2. Doctoral program recruitment and retention enhancement fund. There is hereby continued, within the state university of New York, a doctoral program recruitment and retention enhancement fund from the amounts appropriated herein. Such fund shall be used to enhance employee compensation for the purpose of recruitment and retention of new and existing doctoral students in selected programs. The specific doctoral programs eligible for enhanced compensation pursuant to this section shall be at the discretion of the state university of New York. However, each doctoral degree granting university campus of the state university of New York shall receive an allocation from such fund in an amount proportionate to the total number of employees at such campus. To be eligible for a payment for recruitment and retention initiatives, an employee must have been employed on or after July 2, 2007 and must be employed at the time of payment. This program shall expire July 1, 2009.

S 3. Comprehensive college graduate program recruitment and retention fund. There is hereby continued, within the state university of New York, a comprehensive college graduate program recruitment and retention fund from the amounts appropriated herein. Such fund shall be used to

1 enhance employee compensation for the purpose of recruitment and
2 retention of new and existing graduate students in selected degree
3 programs. The specific graduate degree programs eligible for enhanced
4 compensation pursuant to this section shall be at the discretion of the
5 state university of New York. Each campus shall receive an allocation
6 from such appropriation proportionate to the total number of employees
7 at such campus. To be eligible for a payment for recruitment and
8 retention initiatives, an employee must have been employed on or after
9 July 2, 2007 and must be employed at the time of payment. This program
10 shall expire July 1, 2009.

11 S 4. Fee mitigation fund. There is hereby continued, within the state
12 university of New York, a fee mitigation fund from the amounts appropri-
13 ated herein. Such fund shall be used for the purpose of funding the cost
14 of various fees, including but not limited to technology fees. The
15 specific fee mitigation initiatives funded pursuant to this section
16 shall be at the discretion of the state university of New York. Each
17 campus shall receive an allocation from such appropriation proportionate
18 to the total number of employees at such campus. To be eligible for such
19 payment, an employee must be employed at the time of payment. This
20 program shall expire July 1, 2009.

21 S 5. Downstate location fund. There is hereby continued, with the
22 state university of New York, a downstate location fund from the amounts
23 appropriated herein. Such fund shall be used for the purpose of funding
24 location adjustments in the downstate area for employees whose work site
25 is New York city, Suffolk, Nassau, Rockland, Westchester, Dutchess,
26 Putnam, or Orange counties. The specific location adjustments funded
27 pursuant to this section shall be at the discretion of the state univer-
28 sity of New York. Each campus shall receive an allocation from such
29 appropriation proportionate to the total number of employees at such
30 campus. To be eligible for such payment, an employee must be employed at
31 the time of payment. This program shall expire July 1, 2009.

32 S 6. Joint labor management advisory board. Pursuant to the terms of
33 an agreement negotiated between the state and the employee organization
34 representing employees in the collective negotiating unit designated as
35 the state university graduate student negotiating unit in the state
36 university of New York established pursuant to article 14 of the civil
37 service law, there shall be continued a joint labor management advisory
38 board to study and make recommendations concerning issues of family
39 benefits and implement agreements that may be entered into between the
40 state and such employee organization concerning such issues within the
41 appropriations made available therefor.

42 S 7. Employee assistance program. Pursuant to the terms of an agree-
43 ment negotiated between the state and the employee organization repres-
44 enting the collective negotiating unit designated as the state universi-
45 ty graduate student negotiating unit in the state university of New York
46 established pursuant to article 14 of the civil service law, there shall
47 be continued an employee assistance program to be administered in
48 accordance with such agreement within the appropriations made available
49 therefor. This program shall expire July 1, 2009.

50 S 8. Professional development committee. Pursuant to the terms of an
51 agreement negotiated between the state and the employee organization
52 representing the collective negotiating unit designated as the state
53 university graduate student negotiating unit in the state university of
54 New York established pursuant to article 14 of the civil service law,
55 there shall be continued a professional development committee to review,
56 make recommendations and implement programs for professional develop-

1 ment. Such program shall be administered in accordance with such agree-
2 ment within the appropriations made available therefor. This program
3 shall expire July 1, 2009.

4 S 9. Notwithstanding any provision of law to the contrary, the appro-
5 priations contained in this act shall be available to the state for the
6 payment of grievance and arbitration settlements and awards provided for
7 in the collective negotiating agreement between the state and employee
8 organization representing the collective negotiating unit designated as
9 the state university graduate student negotiating unit in the state
10 university of New York established pursuant to article 14 of the civil
11 service law.

12 S 10. Accidental death benefit. Pursuant to the terms of an agreement
13 negotiated between the state and the employee organization representing
14 the collective negotiating unit designated as the state university grad-
15 uate student negotiating unit in the state university of New York estab-
16 lished pursuant to article 14 of the civil service law, there shall be
17 created a death benefit in the amount of fifty thousand dollars, in the
18 event an employee dies on or after July 2, 2007 as the result of an
19 accidental on-the-job injury and a death benefit is paid pursuant to the
20 workers' compensation law, payable by the state to the employee's
21 surviving spouse and children to whom the workers' compensation acci-
22 dental death benefit is paid, or to the employee's estate, and in the
23 same proportion as the workers' compensation accidental death benefit is
24 paid. Such program shall be administered in accordance with such agree-
25 ment within the appropriations made available therefor.

26 S 11. The stipend increases and benefit modifications provided for by
27 this act for state employees in the collective negotiating unit desig-
28 nated as the state university graduate student negotiating unit in the
29 state university of New York established pursuant to article 14 of the
30 civil service law shall not be implemented until the director of employ-
31 ee relations has delivered to the director of the budget and the comp-
32 troller a letter certifying that there is in effect with respect to such
33 negotiating unit a collective negotiating agreement which provides for
34 such increases and modifications and which is ratified and fully
35 executed in writing with the state pursuant to article 14 of the civil
36 service law.

37 S 12. Date of entitlement to stipend increase. Notwithstanding the
38 provisions of this act or of any other provision of law to the contrary,
39 the stipend increase of any member of the collective negotiating unit
40 designated as the state university graduate student negotiating unit in
41 the state university of New York established pursuant to article 14 of
42 the civil service law, as provided by this act, shall be added to the
43 stipend of such member at the beginning of the payroll period the first
44 day of which is nearest to the effective date of such increase as
45 provided in this act, or at the beginning of the earlier of two payroll
46 periods the first days of which are nearest but equally near to the
47 effective date of such increase as provided in this act; provided,
48 however, that for the purposes of determining the stipend of such
49 employee upon reclassification, reallocation, appointment, promotion,
50 transfer, demotion, reinstatement or other change of status, such
51 stipend increase shall be deemed to be effective on the date thereof as
52 prescribed by this act, and the payment thereof pursuant to this section
53 on a date prior thereto, instead of on such effective date, shall not
54 operate to confer any additional compensation rights or benefits on such
55 employee. Payment of such stipend increase may be deferred pursuant to
56 section thirteen of this act.

1 S 13. Deferred payment of stipend increase. Notwithstanding the
2 provisions of this act, or of any other provision of law to the contra-
3 ry, pending payment of stipends pursuant to this act for incumbents of
4 positions subject to this act, such incumbents shall receive, as partial
5 compensation for services rendered, the stipends otherwise payable in
6 their respective positions. An incumbent holding a position subject to
7 this act at any time during the period from July 2, 2007, until the time
8 when stipend increases are first paid pursuant to this act for such
9 services in excess of the compensation actually received therefor, shall
10 be entitled to a lump sum payment for the difference between the stipend
11 to which such incumbent is entitled for such service and the stipend
12 actually received therefor. Such lump sum payment shall be made as soon
13 as practicable.

14 S 14. Use of appropriations. Notwithstanding any provision of the
15 state finance law or any other provision of law to the contrary, the
16 state comptroller is authorized to pay any amounts required by the fore-
17 going provisions of this act. To the extent that existing appropriations
18 available to any state department or agency in any fund are insufficient
19 to accomplish the purposes set forth in this section, the director of
20 the budget is authorized to allocate to the various departments and
21 agencies, from any appropriations available in any fund, the amounts
22 necessary to make such payments. Any appropriations or other funds
23 available to any state department or agency for personal service or for
24 other related employee benefits during the fiscal year commencing April
25 1, 2011 shall be available for the payment of any liabilities or obli-
26 gations incurred pursuant to the foregoing provisions of this act,
27 whether occurring prior to or during the state fiscal year commencing
28 April 1, 2011.

29 S 15. Appropriations. Notwithstanding any provision of the state
30 finance law or any other provision of law to the contrary, the several
31 amounts as hereinafter set forth in this section are hereby appropriated
32 from the funds so designated for use by any state department or agency
33 for the fiscal year beginning April 1, 2011 to supplement appropriations
34 from each respective fund available for personal service, other than
35 personal service and fringe benefits, and to carry out the provisions of
36 this act. Moreover, the amounts appropriated as non-personal service may
37 be suballocated to any state department or agency as needed. The monies
38 hereby appropriated are available for payment of any liabilities or
39 obligations incurred prior to or during the state fiscal year commencing
40 April 1, 2011 in addition to liabilities or obligations associated with
41 the state fiscal year commencing April 1, 2009. For this purpose, these
42 appropriations shall remain in full force and effect for the payment of
43 liabilities incurred on or before April 1, 2011. No money shall be
44 available for expenditure from this appropriation until a certification
45 of approval has been issued by the director such certificate or any
46 amendment thereto has been filed with the state comptroller, the chair-
47 person of the senate finance committee, and the chairperson of the
48 assembly ways and means committee.

49 ALL STATE DEPARTMENTS AND AGENCIES

50 General Fund - State Purposes Account

PERSONAL SERVICE

Personal Service	10,312,000
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MAINTENANCE UNDISTRIBUTED

Fringe Benefits	892,000
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Doctoral Program Recruitment and Retention

Enhancement Fund	1,312,000
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Comprehensive College Graduate Program

Recruitment and Retention Fund	383,000
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Fee Mitigation Fund	1,133,000
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Downstate Location Fund	688,000
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Family Benefits Program	164,000
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Statewide Professional Development Committee ... 328,000

Employee Assistance Program	22,000
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Special Revenue Funds - Other

State University Income Fund - 345

Personal Service	1,224,000
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Non-Personal Service	606,000
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Miscellaneous Special Revenue Fund - 339

Personal Service	87,000
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Non-Personal Service	44,000
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Combined Expendable Trust Fund - 020

Personal Service	1,000
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Special Revenue Funds - Federal

Federal Education Fund - 267

Personal Service	5,000
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Non-Personal Service	3,000
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S 16. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 2, 2007.