

1812

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the general municipal law, the retirement and social security law and the administrative code of the city of New York, in relation to not including overtime compensation in pension computation earned after March thirty-first, two thousand ten

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

1 Section 1. Section 90 of the general municipal law, as amended by
2 section 13 of part B of chapter 504 of the laws of 2009, is amended to
3 read as follows:
4 S 90. Payment of overtime compensation to public officers or employ-
5 ees. The governing board of each municipal corporation or other civil
6 division or political subdivision of the state, or in the city of New
7 York, the mayor, by ordinance, local law, resolution, order or rule, may
8 provide for the payment of overtime compensation to any or all public
9 officers except elective officers and those officers otherwise excluded
10 by law and to any or all public employees under their jurisdiction at
11 the regular basic pay rate of such officers or employees for all time
12 such officers or employees are required to work in excess of their regu-
13 larly established hours of employment or at such other rate as such
14 governing board, or in the city of New York, the mayor, may authorize.
15 [The amounts received as overtime] OVERTIME compensation RECEIVED under
16 this section, PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE, shall be
17 regarded as salary or compensation for any of the purposes of any
18 pension or retirement system of which the officer or employee receiving
19 the same is a member, except as set forth in sections five hundred one,
20 six hundred one, and twelve hundred three of the retirement and social
21 security law. Such overtime compensation shall not be regarded as salary
22 or compensation for the purpose of determining the right to any increase

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

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1 of salary or any salary increment on account of length of service or
2 otherwise. No such overtime compensation shall be construed to consti-
3 tute a promotion.

4 S 2. Paragraph a of subdivision 2 of section 2 of the retirement and
5 social security law is amended to read as follows:

6 a. The salary or wages annually earnable by a member, including main-
7 tenance, or any allowance in lieu thereof, received by the member BUT
8 NOT INCLUDING AMOUNTS RECEIVED AS OVERTIME COMPENSATION ON OR AFTER
9 APRIL FIRST, TWO THOUSAND TWELVE.

10 S 3. Paragraph a of subdivision 2 of section 302 of the retirement
11 and social security law, as added by chapter 1000 of the laws of 1966,
12 is amended to read as follows:

13 a. The salary or wages annually earnable by a member, including main-
14 tenance, or any allowance in lieu thereof, received by the member BUT
15 NOT INCLUDING AMOUNTS RECEIVED AS OVERTIME COMPENSATION ON OR AFTER
16 APRIL FIRST, TWO THOUSAND TWELVE.

17 S 4. Section 12-108 of the administrative code of the city of New York
18 is amended to read as follows:

19 S 12-108 Overtime work by officers or employees and additional compen-
20 sation therefor. Notwithstanding the provisions of any other statute,
21 general, special or local, the mayor may authorize the head of any agen-
22 cy to require any officer or employee in such agency or any class or
23 group of officers or employees in such agency to work in excess of the
24 maximum number of hours of employment prescribed for such officer or
25 employee or class or group of officers or employees by any statute,
26 general, special or local, provided that each such officer or employee
27 shall be paid overtime compensation for such work at not less than his
28 or her regular basic pay rate. [The amounts received as overtime] OVER-
29 TIME compensation RECEIVED pursuant to the provisions of this section,
30 PRIOR TO APRIL FIRST, TWO THOUSAND TWELVE, shall be regarded as salary
31 or compensation for the purposes of any pension or retirement system of
32 which the employee receiving such overtime compensation is a member.
33 Such overtime compensation shall not be regarded as salary or compen-
34 sation for the purpose of determining the right to any increase of sala-
35 ry or any salary increment on account of length of service or otherwise,
36 nor shall the payment of such overtime compensation be construed to
37 constitute a promotion.

38 S 5. This act shall take effect immediately.