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

3624

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to salaries of administrators

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

Section 1. The education law is amended by adding a new article 57 to read as follows:

ARTICLE 57

SALARIES OF ADMINISTRATORS

SECTION 2901. SALARIES OF ADMINISTRATORS.

S 2901. SALARIES OF ADMINISTRATORS. 1. EXCEPT AS PROVIDED IN ARTICLE FORTY OF THIS CHAPTER, THE MAXIMUM ALLOWABLE ANNUAL SALARY FOR AN ADMINISTRATOR APPOINTED PURSUANT TO THIS TITLE SHALL BE:

(A) ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS FOR A DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF TWO HUNDRED FIFTY OR LESS;

(B) ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS FOR A DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF GREATER THAN TWO HUNDRED FIFTY BUT LESS THAN OR EQUAL TO SEVEN HUNDRED FIFTY;

(C) ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS FOR A DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF GREATER THAN SEVEN HUNDRED FIFTY BUT LESS THAN OR EQUAL TO FIFTEEN HUNDRED;

(D) ONE HUNDRED FIFTY-FIVE THOUSAND DOLLARS FOR A DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF GREATER THAN FIFTEEN HUNDRED BUT LESS THAN OR EQUAL TO THREE THOUSAND;

(E) ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS FOR A DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF GREATER THAN THREE THOUSAND BUT LESS THAN OR EQUAL TO SIXTY-FIVE HUNDRED; AND

(F) ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS FOR ANY DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF GREATER THAN SIXTY-FIVE HUNDRED.

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

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2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ADMINISTRATOR" SHALL INCLUDE SUPERINTENDENTS OF SCHOOLS, DEPUTY, ASSISTANT, ASSOCIATE OR OTHER SUPERINTENDENTS, SCHOOL PRINCIPALS, VICE, ASSISTANT AND OTHER PRINCIPALS AND ANY CHAIRPERSON, DIRECTOR, COORDINATOR OR OTHER POSITION OF AN ADMINISTRATIVE NATURE. THE TERM ADMINISTRATOR SHALL NOT HOWEVER INCLUDE ANY ADMINISTRATOR APPOINTED PURSUANT TO ARTICLE FIFTY-TWO-A OF THIS TITLE; AND

(B) "TOTAL ENROLLMENT" SHALL BE DETERMINED AT THE TIME THAT AN EMPLOYMENT CONTRACT OR OTHER AGREEMENT FOR AN ADMINISTRATOR IS ENTERED INTO, RENEWED OR AMENDED AND SHALL BE THE MOST RECENT NUMBER REPORTED TO THE COMMISSIONER PURSUANT TO PARAGRAPH N OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

3. FOR A DISTRICT OR DISTRICTS WITH A TOTAL ENROLLMENT OF TEN THOUSAND OR MORE, A SCHOOL BOARD MAY APPROVE AFTER A PUBLIC HEARING A SALARY WAIVER ALLOWING A SALARY IN EXCESS OF THAT PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION. IF APPROVED BY THE LOCAL SCHOOL BOARD, THE BOARD SHALL TRANSMIT SUCH WAIVER ALONG WITH A STATEMENT OF THE NEED FOR SUCH WAIVER TO THE COMMISSIONER FOR FINAL APPROVAL.

4. A DISTRICT MAY PROVIDE FOR THE PAYMENT OF ALL OR A PORTION OF THE COST OF INSURANCE BENEFITS FOR AN ADMINISTRATOR, INCLUDING BUT NOT LIMITED TO HEALTH INSURANCE, DISABILITY INSURANCE, LIFE INSURANCE OR ANY OTHER FORM OF INSURANCE BENEFIT MADE AVAILABLE TO MANAGERIAL/CONFIDENTIAL EMPLOYEES OF THE STATE; PROVIDED THAT ANY SUCH PAYMENTS FOR WHOLE LIFE, SPLIT DOLLAR OR OTHER LIFE INSURANCE POLICIES HAVING A CASH VALUE SHALL BE INCLUDED IN THE TOTAL SALARY OF THE ADMINISTRATOR FOR PURPOSES OF SUBDIVISION ONE OF THIS SECTION, AND PROVIDED FURTHER THAT ANY PAYMENTS FOR THE EMPLOYEE CONTRIBUTION, CO-PAY OR UNCOVERED MEDICAL EXPENSES UNDER A HEALTH INSURANCE PLAN ALSO SHALL BE INCLUDED IN THE TOTAL SALARY OF THE ADMINISTRATOR.

5. ANY PAYMENTS FOR TRANSPORTATION OR TRAVEL EXPENSES IN EXCESS OF ACTUAL, DOCUMENTED EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES AS AN ADMINISTRATOR, AND ANY OTHER LUMP SUM PAYMENT NOT SPECIFICALLY EXCLUDED FROM TOTAL SALARY PURSUANT TO THIS SECTION, SHALL BE INCLUDED IN THE TOTAL SALARY OF THE ADMINISTRATOR FOR PURPOSES OF THIS SECTION.

6. IN NO EVENT SHALL ANY ADMINISTRATOR BE PERMITTED TO ACCUMULATE VACATION OR SICK LEAVE CREDITS IN EXCESS OF THE VACATION AND SICK LEAVE CREDITS MANAGERIAL/CONFIDENTIAL EMPLOYEES OF THE STATE ARE PERMITTED TO ACCUMULATE PURSUANT TO REGULATIONS PROMULGATED BY THE STATE CIVIL SERVICE COMMISSION, NOR MAY ANY ADMINISTRATOR AT THE TIME OF SEPARATION FROM SERVICE BE COMPENSATED FOR ACCRUED AND UNUSED VACATION CREDITS OR SICK LEAVE, OR USE ACCRUED AND UNUSED SICK LEAVE FOR RETIREMENT SERVICE CREDIT OR TO PAY FOR HEALTH INSURANCE IN RETIREMENT, AT A RATE IN EXCESS OF THE RATE PERMITTED TO MANAGERIAL/CONFIDENTIAL EMPLOYEES OF THE STATE PURSUANT TO REGULATIONS OF THE STATE CIVIL SERVICE COMMISSION.

7. NOTHING IN THIS SECTION SHALL PROHIBIT AN ADMINISTRATOR FROM WAIVING ANY RIGHTS PROVIDED FOR IN AN EXISTING CONTRACT OR AGREEMENT AS HEREAFTER PROHIBITED IN FAVOR OF REVISED COMPENSATION OR BENEFIT PROVISIONS AS PERMITTED IN THIS SECTION.

8. THE COMMISSIONER MAY ADOPT REGULATIONS IN ORDER TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately; provided, further, that the limits on salary and compensation of district superintendents imposed by this act shall only apply to all superintendents appointed or reappointed after the date on which this act shall have been approved, and to all contracts and other agreements entered into, extended or

amended on or after the date on which this act shall have become a law, and nothing herein shall impair or reduce the ability of a district superintendent to be compensated pursuant to a contract or agreement entered into prior to the effective date of this act.