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

3655

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sen. FUSCHILLO -- (at request of the Governor) -- 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 the salary cap for school superintendents

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 section 3102 to read as follows:

S 3102. LIMITATION ON SALARY OF SCHOOL SUPERINTENDENTS. 1. DEFINITION. FOR PURPOSES OF THIS SECTION: (A) "SUPERINTENDENT" MEANS THE SUPERINTENDENT OF SCHOOLS, EXCEPT IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION INHABITANTS OR MORE; AND

(B) "TOTAL ANNUAL SALARY" MEANS THE TOTAL AMOUNT OF COMPENSATION TO BE PAID TO A SUPERINTENDENT OR ADMINISTRATOR FOR SERVICES IN A SCHOOL YEAR, PROVIDED SUCH TERM SHALL INCLUDE DEFERRED COMPENSATION EARNED DURING THAT SCHOOL YEAR AND ANY LUMP-SUM CASH PAYMENTS MADE TO SUCH SUPERINTENDENT OR ADMINISTRATOR IN SUCH SCHOOL YEAR.

2. LIMITATION ON SALARIES. (A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, NO EMPLOYMENT CONTRACT OF A SUPERINTENDENT SHALL PROVIDE FOR A TOTAL ANNUAL SALARY IN EXCESS OF THE FOLLOWING LIMITATIONS:

(I) ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($125,000) FOR SCHOOL DISTRICTS WHOSE TOTAL ENROLLMENT IS TWO HUNDRED FIFTY (250) STUDENTS OR LESS;

(II) ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS ($135,000) FOR SCHOOL DISTRICTS WHOSE TOTAL ENROLLMENT IS BETWEEN TWO HUNDRED FIFTY-ONE (251) STUDENTS AND SEVEN HUNDRED FIFTY (750) STUDENTS;

(III) ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS ($145,000) FOR SCHOOL DISTRICTS WHOSE TOTAL ENROLLMENT IS BETWEEN SEVEN HUNDRED FIFTY-ONE (751) STUDENTS AND ONE THOUSAND FIVE HUNDRED (1,500) STUDENTS;

(IV) ONE HUNDRED FIFTY-FIVE THOUSAND DOLLARS ($155,000) FOR SCHOOL DISTRICTS WHOSE TOTAL ENROLLMENT IS BETWEEN ONE THOUSAND FIVE HUNDRED ONE (1,501) STUDENTS AND THREE THOUSAND (3,000) STUDENTS;

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

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(V) ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($165,000) FOR SCHOOL DISTRICTS WHOSE TOTAL ENROLLMENT IS BETWEEN THREE THOUSAND ONE (3,001) STUDENTS AND SIX THOUSAND FIVE HUNDRED (6,500) STUDENTS; AND

(VI) ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($175,000) FOR SCHOOL DISTRICTS WHOSE TOTAL ENROLLMENT EXCEEDS SIX THOUSAND FIVE HUNDRED ONE (6,501) STUDENTS.

(B) IN NO EVENT SHALL ANY SUPERINTENDENT 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 SUPERINTENDENT 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 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. IN ADDITION TO THE PAYMENT OF SALARY, A SCHOOL DISTRICT MAY PROVIDE FOR THE PAYMENT OF ALL OR A PORTION OF THE COST OF INSURANCE BENEFITS FOR A SUPERINTENDENT, 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 ANNUAL SALARY OF THE SUPERINTENDENT FOR PURPOSES OF THIS SUBDIVISION, 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 ANNUAL SALARY OF THE SUPERINTENDENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, PAYMENTS FOR SUCH INSURANCE BENEFITS MAY BE BASED ON THE SUPERINTENDENT'S TOTAL SALARY ONLY. ANY PAYMENTS FOR TRANSPORTATION OR TRAVEL EXPENSES IN EXCESS OF ACTUAL, DOCUMENTED EXPENSES INCURRED IN THE PERFORMANCE OF DUTIES FOR THE STATE, AND ANY OTHER LUMP SUM PAYMENT NOT SPECIFICALLY EXCLUDED FROM TOTAL ANNUAL SALARY PURSUANT TO THIS SUBDIVISION, SHALL BE INCLUDED IN THE TOTAL SALARY OF THE SUPERINTENDENT FOR PURPOSES OF THIS SUBDIVISION. NOTHING HEREIN SHALL PROHIBIT A SUPERINTENDENT 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 HEREIN.

3. VOTE TO OVERRIDE. (A) IN SCHOOL DISTRICTS THAT CONDUCT AN ANNUAL MEETING AND ELECTION PURSUANT TO ARTICLE FORTY-ONE OF THIS CHAPTER, THE QUALIFIED VOTERS MAY VOTE TO OVERRIDE THE SALARY PROVISIONS ESTABLISHED PURSUANT TO THIS SECTION FOR INDIVIDUAL SUPERINTENDENT CONTRACTS PROVIDED THAT SUCH VOTE SHALL BE HELD CONCURRENTLY WITH SUCH ANNUAL DISTRICT MEETING OR ELECTION.

(B) IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, THE MAYOR, CITY MANAGER OR FISCAL CONTROL AGENCY, WHERE APPLICABLE, MAY APPROVE AN OVERRIDE OF THE SALARY PROVISIONS ESTABLISHED PURSUANT TO THIS SECTION FOR INDIVIDUAL SUPERINTENDENT CONTRACTS.

(C) IN NO EVENT SHALL A SUPERINTENDENT'S SALARY EXCEED THE SALARY PROVISION IN THIS SECTION UNTIL SUCH TIME AS AN OVERRIDE HAS BEEN APPROVED BY SUCH SCHOOL DISTRICT PURSUANT TO THIS SUBDIVISION.

S 2. This act shall take effect immediately; provided, that the provisions of this act shall only apply to any employment contracts for persons serving as superintendents that are entered into, amended or extended on or after the date on which this act shall have become a law.