

4478

2011-2012 Regular Sessions

I N   S E N A T E

April 6, 2011

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law and the civil service law, in relation to freezing salary or wage increases of employees of the state and authorizing municipal corporations to institute such wage freezes for their employees; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1.     Legislative findings and declarations. The legislature  
2 hereby finds and determines that real property taxes in New York state  
3 are too high, and that the burden that they place upon our citizens,  
4 homeowners and businesses, is making it difficult for New York state to  
5 thrive, prosper and succeed.  
6     The legislature further finds and determines that the only way to  
7 realistically reduce the real property tax burden upon our citizens,  
8 homeowners and businesses, is to place a comprehensive approach in state  
9 law which controls costs and spending for local governments, and  
10 provides significant mandate relief with respect to their fiscal obli-  
11 gations.  
12     The legislature also finds and determines that real property tax  
13 relief and local government mandate reform must be achieved by estab-  
14 lishing a comprehensive approach to reduce real property taxes across  
15 the state, controlling government costs, and providing significant  
16 mandate relief to local governments.  
17     The legislature also finds, determines and declares that a fiscal  
18 emergency exists in the state of New York. That the state's fiscal  
19 condition, and that of its municipalities, has been significantly weak-  
20 ened by the impact of the national economic recession. This has led to a  
21 structural imbalance between revenues and expenditures which has

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

LBD10512-01-1

1 contributed to New York becoming one of the highest taxed states in the  
2 nation.

3 The legislature additionally finds, determines and declares that the  
4 state, and many of its municipalities, are in a state of fiscal crisis,  
5 and that the welfare of taxpayers in the state is seriously threatened.  
6 As a result, the state, and its municipalities, are experiencing extreme  
7 pressures to continue to provide adequate infrastructure and core  
8 services to their residents while also ensuring that taxes remain  
9 affordable.

10 The legislature further finds, determines and declares that a combina-  
11 tion of enhanced budgetary discipline and short-term budgetary relief is  
12 necessary to assist the state, and its municipalities, as well as  
13 taxpayers to facilitate a return to fiscal and economic stability, while  
14 ensuring adequate funding for the provision of essential services.

15 S 2. The general municipal law is amended by adding a new section 25  
16 to read as follows:

17 S 25. WAGE FREEZE. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO  
18 THE CONTRARY, ANY MUNICIPAL CORPORATION, BY LOCAL LAW OF THE GOVERNING  
19 BODY OF THE MUNICIPAL CORPORATION, MAY FREEZE AND SUSPEND FOR A PERIOD  
20 OF NOT MORE THAN ONE YEAR, ALL INCREASES IN SALARY OR WAGES OF EMPLOYEES  
21 OF THE MUNICIPAL CORPORATION, WHICH WOULD OTHERWISE TAKE EFFECT AFTER  
22 THE EFFECTIVE DATE OF THIS SECTION, PURSUANT TO COLLECTIVE BARGAINING  
23 AGREEMENTS, OTHER ANALOGOUS CONTRACTS OR INTEREST ARBITRATION AWARDS,  
24 NOW IN EXISTENCE OR HEREAFTER ENTERED INTO. ADDITIONALLY, ANY MUNICIPAL  
25 CORPORATION, BY LOCAL LAW OF THE GOVERNING BODY OF THE MUNICIPAL CORPO-  
26 RATION, MAY FURTHER FREEZE AND SUSPEND FOR A PERIOD OF NOT MORE THAN ONE  
27 YEAR, ALL INCREASED PAYMENTS FOR HOLIDAY AND VACATION DIFFERENTIALS,  
28 SHIFT DIFFERENTIALS, SALARY ADJUSTMENTS ACCORDING TO PLAN AND STEP-UPS  
29 OR INCREMENTS FOR SUCH EMPLOYEES. FOR THE PURPOSES OF COMPUTING THE  
30 PENSION BASE OF RETIREMENT ALLOWANCES, ANY SUSPENDED SALARY OR WAGE  
31 INCREASES AND ANY OTHER SUSPENDED PAYMENTS SHALL NOT BE CONSIDERED AS  
32 PART OF COMPENSATION OR FINAL COMPENSATION OR OF ANNUAL SALARY EARNED OR  
33 EARNABLE.

34 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
35 NO RETROACTIVE PAY ADJUSTMENTS OF ANY KIND SHALL ACCRUE OR BE DEEMED TO  
36 ACCRUE DURING THE PERIOD OF WAGE FREEZE, AND NO SUCH ADDITIONAL AMOUNTS  
37 SHALL BE PAID AT THE TIME A WAGE FREEZE IS LIFTED, OR AT ANY TIME THERE-  
38 AFTER.

39 S 3. The civil service law is amended by adding a new section 137 to  
40 read as follows:

41 S 137. WAGE FREEZE. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO  
42 THE CONTRARY ALL INCREASES IN SALARY OR WAGES OF EMPLOYEES OF THE STATE,  
43 WHICH WILL TAKE EFFECT AFTER THE EFFECTIVE DATE OF THIS SECTION PURSUANT  
44 TO COLLECTIVE BARGAINING AGREEMENTS, OTHER ANALOGOUS CONTRACTS OR INTER-  
45 EST ARBITRATION AWARDS, NOW IN EXISTENCE OR HEREAFTER ENTERED INTO,  
46 REQUIRING SUCH SALARY OR WAGE INCREASES AS OF ANY DATE THEREAFTER ARE  
47 SUSPENDED FOR A PERIOD OF ONE YEAR. FURTHER, ALL INCREASED PAYMENTS FOR  
48 HOLIDAY AND VACATION DIFFERENTIALS, SHIFT DIFFERENTIALS, SALARY ADJUST-  
49 MENTS ACCORDING TO PLAN AND STEP-UPS OR INCREMENTS FOR EMPLOYEES OF THE  
50 STATE WHICH WILL TAKE EFFECT AFTER THE DATE OF THE ORDER PURSUANT TO  
51 COLLECTIVE BARGAINING AGREEMENTS, OTHER ANALOGOUS CONTRACTS OR INTEREST  
52 ARBITRATION AWARDS REQUIRING SUCH INCREASED PAYMENTS AS OF ANY DATE  
53 THEREAFTER ARE, IN THE SAME MANNER, SUSPENDED FOR A PERIOD OF ONE YEAR.  
54 FOR THE PURPOSES OF COMPUTING THE PENSION BASE OF RETIREMENT ALLOWANCES,  
55 ANY SUSPENDED SALARY OR WAGE INCREASES AND ANY OTHER SUSPENDED PAYMENTS

1 SHALL NOT BE CONSIDERED AS PART OF COMPENSATION OR FINAL COMPENSATION OR  
2 OF ANNUAL SALARY EARNED OR EARNABLE.

3 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
4 NO RETROACTIVE PAY ADJUSTMENTS OF ANY KIND SHALL ACCRUE OR BE DEEMED TO  
5 ACCRUE DURING THE PERIOD OF WAGE FREEZE, AND NO SUCH ADDITIONAL AMOUNTS  
6 SHALL BE PAID AT THE TIME A WAGE FREEZE IS LIFTED, OR AT ANY TIME THERE-  
7 AFTER.

8 S 4. Preference of appeals. If any section, part or provision of this  
9 act shall be adjudged unconstitutional or invalid or ineffective by any  
10 court of this state, any party in interest shall have a direct appeal as  
11 of right to the court of appeals of the state of New York, and such  
12 appeal shall have preference over all other causes. Service upon the  
13 adverse party of a notice of appeal shall stay the effect of the judg-  
14 ment or order appealed from pending the hearing and determination of the  
15 appeal.

16 S 5. This act shall take effect immediately and shall expire and be  
17 deemed repealed one year after such effective date.