

S. 6960

A. 9831

## S E N A T E - A S S E M B L Y

April 16, 2012

IN SENATE -- Introduced by Sen. ROBACH -- (at request of the Governor)  
 -- read twice and ordered printed, and when printed to be committed to  
 the Committee on Rules

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

AN ACT to amend the civil service law, in relation to compensation,  
 benefits and other terms and conditions of employment of certain state  
 officers and employees; to implement agreements between the state and  
 an employee organization; making an appropriation for the purpose of  
 effectuating certain provisions thereof; and to repeal certain  
 provisions of the civil service law relating thereto

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

1	Section 1. Subparagraphs 1, 2, 3 and 4 of paragraph c of subdivision 1				
2	of section 130 of the civil service law are REPEALED and two new subpar-				
3	agraphs 1 and 2 are added to read as follows:				
4	(1) EFFECTIVE APRIL FIRST, TWO THOUSAND TEN FOR OFFICERS AND EMPLOYEES				
5	ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE MARCH TWENTY-FIFTH, TWO				
6	THOUSAND TEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:				
7	PEF SALARY SCHEDULE				
8	EFFECTIVE APRIL 1, 2010 (ADMIN)				
9	EFFECTIVE MARCH 25, 2010 (INST)				
10		HIRING	JOB	ADVANCE	JOB RATE
11	SG	RATE	RATE	AMOUNT	ADVANCE
12	1	\$21,115	\$27,249	\$877	\$877
13	2	\$21,916	\$28,343	\$919	\$919
14	3	\$22,988	\$29,730	\$964	\$964
15	4	\$24,020	\$31,115	\$1,011	\$1,033
16	5	\$25,158	\$32,602	\$1,064	\$1,064
17	6	\$26,506	\$34,317	\$1,116	\$1,116
18	7	\$27,994	\$36,173	\$1,162	\$1,212
19	8	\$29,535	\$38,089	\$1,203	\$1,339
20	9	\$31,181	\$40,136	\$1,247	\$1,477

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

LBD12120-03-2

1	10	\$32,950	\$42,368	\$1,302	\$1,610
2	11	\$34,838	\$44,762	\$1,387	\$1,608
3	12	\$36,791	\$47,138	\$1,434	\$1,745
4	13	\$38,934	\$49,821	\$1,491	\$1,941
5	14	\$41,170	\$52,552	\$1,594	\$1,824
6	15	\$43,500	\$55,455	\$1,652	\$2,045
7	16	\$45,940	\$58,468	\$1,715	\$2,238
8	17	\$48,518	\$61,763	\$1,797	\$2,466
9	18	\$51,268	\$65,190	\$1,761	\$3,362
10	19	\$54,045	\$68,637	\$1,834	\$3,594
11	20	\$56,813	\$72,076	\$1,910	\$3,803
12	21	\$59,825	\$75,862	\$1,994	\$4,074
13	22	\$63,041	\$79,819	\$2,078	\$4,316
14	23	\$66,375	\$83,954	\$2,164	\$4,599
15	24	\$69,911	\$88,256	\$2,247	\$4,865
16	25	\$73,768	\$92,974	\$2,343	\$5,150
17	26	\$77,654	\$95,718	\$2,438	\$3,438
18	27	\$81,856	\$100,822	\$2,567	\$3,567
19	28	\$86,168	\$105,829	\$2,666	\$3,666
20	29	\$90,684	\$111,064	\$2,769	\$3,769
21	30	\$95,423	\$116,516	\$2,871	\$3,871
22	31	\$100,510	\$122,354	\$2,978	\$3,978
23	32	\$105,853	\$128,400	\$3,079	\$4,079
24	33	\$111,611	\$134,868	\$3,180	\$4,180
25	34	\$117,556	\$141,585	\$3,290	\$4,290
26	35	\$123,651	\$148,421	\$3,396	\$4,396
27	36	\$129,866	\$155,451	\$3,513	\$4,513
28	37	\$136,681	\$163,033	\$3,622	\$4,622
29	38	\$127,518			

(2) EFFECTIVE MARCH TWENTY-SEVEN, TWO THOUSAND FOURTEEN FOR OFFICERS AND EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE APRIL THREE, TWO THOUSAND FOURTEEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

## PEF SALARY SCHEDULE

EFFECTIVE MARCH 27, 2014 (ADMIN)

EFFECTIVE APRIL 3, 2014 (INST)

	HIRING	JOB	ADVANCE	JOB RATE
SG	RATE	RATE	AMOUNT	ADVANCE
1	\$21,537	\$27,795	\$894	\$895
2	\$22,354	\$28,913	\$937	\$940
3	\$23,448	\$30,323	\$983	\$981
4	\$24,500	\$31,735	\$1,031	\$1,051
5	\$25,661	\$33,253	\$1,085	\$1,084
6	\$27,036	\$35,005	\$1,139	\$1,141
7	\$28,554	\$36,899	\$1,185	\$1,239
8	\$30,126	\$38,848	\$1,227	\$1,363
9	\$31,805	\$40,936	\$1,272	\$1,504
10	\$33,609	\$43,212	\$1,328	\$1,639
11	\$35,535	\$45,660	\$1,414	\$1,642
12	\$37,527	\$48,078	\$1,463	\$1,777
13	\$39,713	\$50,814	\$1,521	\$1,977
14	\$41,993	\$53,606	\$1,625	\$1,863
15	\$44,370	\$56,567	\$1,685	\$2,089
16	\$46,859	\$59,638	\$1,750	\$2,284
17	\$49,488	\$63,001	\$1,833	\$2,518
18	\$52,293	\$66,494	\$1,796	\$3,429

1	19	\$55,126	\$70,013	\$1,870	\$3,668
2	20	\$57,949	\$73,519	\$1,949	\$3,881
3	21	\$61,022	\$77,376	\$2,034	\$4,152
4	22	\$64,302	\$81,415	\$2,119	\$4,401
5	23	\$67,703	\$85,635	\$2,207	\$4,693
6	24	\$71,309	\$90,020	\$2,292	\$4,961
7	25	\$75,243	\$94,834	\$2,390	\$5,254
8	26	\$79,207	\$97,632	\$2,487	\$3,507
9	27	\$83,493	\$102,838	\$2,618	\$3,638
10	28	\$87,891	\$107,946	\$2,720	\$3,740
11	29	\$92,498	\$113,285	\$2,824	\$3,844
12	30	\$97,331	\$118,846	\$2,928	\$3,948
13	31	\$102,520	\$124,801	\$3,038	\$4,058
14	32	\$107,970	\$130,968	\$3,140	\$4,160
15	33	\$113,843	\$137,565	\$3,244	\$4,264
16	34	\$119,907	\$144,417	\$3,356	\$4,376
17	35	\$126,124	\$151,389	\$3,464	\$4,484
18	36	\$132,463	\$158,561	\$3,583	\$4,603
19	37	\$139,415	\$166,294	\$3,695	\$4,715
20	38	\$130,068			

21 S 2. Paragraph (d) of subdivision 6 of section 131 of the civil  
22 service law is REPEALED.

23 S 3. Compensation for certain state officers and employees in collec-  
24 tive negotiating units. 1. The provisions of this section shall apply  
25 to full-time officers and employees in the collective negotiating unit  
26 designated as the professional, scientific and technical services unit  
27 established pursuant to article 14 of the civil service law.

28 2. Effective March 27, 2014 for officers and employees on the adminis-  
29 trative payroll and effective April 3, 2014 for officers and employees  
30 on the institutional payroll, the basic annual salary of officers and  
31 employees in full-time employment status on the day before such payroll  
32 period shall be increased by two percent adjusted to the nearest whole  
33 dollar amount.

34 3. Notwithstanding the provisions of subdivision two of this section,  
35 if the basic annual salary of an officer or employee to whom the  
36 provisions of this section apply is identical with the hiring rate or  
37 the job rate of the salary grade of his or her position on the effective  
38 date of the increase provided in this subdivision, such basic annual  
39 salary shall be increased to the hiring rate or job rate, respectively,  
40 of such salary grade as contained in the appropriate salary schedule in  
41 subparagraph 2 of paragraph c of subdivision 1 of section 130 of the  
42 civil service law, as added by section one of this act, to take effect  
43 on the dates provided in subparagraph 2. Except as herein provided to  
44 the contrary, the increase in basic annual salary provided by this  
45 subdivision shall be in lieu of any increase in basic annual salary  
46 provided for in subdivision two of this section.

47 4. Payments pursuant to the provisions of subdivision 6 of section 131  
48 of the civil service law for annual salaried officers and employees  
49 entitled to such payments to whom the provisions of this section apply  
50 shall be payable in accordance with the terms of an agreement reached  
51 pursuant to article 14 of the civil service law between the state and an  
52 employee organization representing employees subject to the provisions  
53 of this section.

54 5. If an unencumbered position is one which if encumbered, would be  
55 subject to the provisions of this section, the salary of such position  
56 shall be increased by the salary increase amounts specified in this

1 section. If a position is created, and filled by the appointment of an  
2 officer or employee who is subject to the provisions of this section,  
3 the salary otherwise provided for such position shall be increased in  
4 the same manner as though such position had been in existence but unen-  
5 cumbered. Notwithstanding the provisions of this section, the director  
6 of the budget may reduce the salary of any such position which is or  
7 becomes vacant.

8 6. The increase in salary provided in subdivision two of this section  
9 shall apply on a prorated basis to officers and employees, otherwise  
10 eligible to receive an increase in salary, who are paid on an hourly or  
11 per diem basis, employees serving on a part-time or seasonal basis, and  
12 employees paid on any basis other than at an annual salary rate.  
13 Notwithstanding the foregoing, the provisions of subdivision three and  
14 four of this section shall not apply to employees serving on an hourly,  
15 per diem, or seasonal basis, except as determined by the director of the  
16 budget.

17 7. In order to provide for the officers and employees to whom this  
18 section applies but are not allocated to salary grades, but are paid on  
19 an annual basis, increases and payments pursuant to subdivisions 4 and  
20 11 of this section in proportion to those provided to persons to whom  
21 this section applies who are allocated to salary grades, the director of  
22 the budget is authorized to add appropriate adjustments and/or payments  
23 to the compensation which such officers and employees are otherwise  
24 entitled to receive. The director of the budget shall issue certificates  
25 which shall contain schedules of positions and the salaries and/or  
26 payments thereof for which adjustments and/or payments are made pursuant  
27 to the provisions of this subdivision, and a copy of each such certifi-  
28 cate shall be filed with the state comptroller, the department of civil  
29 service, the chair of the senate finance committee and the chair of the  
30 assembly ways and means committee.

31 8. Notwithstanding any other provision of this section, the provisions  
32 of this section shall not apply to officers or employees paid on a fee  
33 schedule basis, provided however, that the increase in basic annual  
34 salary provided for in subdivision two of this section shall apply to  
35 fire instructors paid on a fee schedule basis employed by the division  
36 of homeland security and emergency services.

37 9. Notwithstanding any other provision of this section, except subdi-  
38 vision one, any increase in compensation for any officer or employee  
39 appointed to a lower graded position from a redeployment list pursuant  
40 to subdivision 1 of section 79 of the civil service law who continues to  
41 receive his or her former salary pursuant to such subdivision shall be  
42 determined on the basis of such lower graded position provided, however,  
43 that the increase in salary provided in this section shall not cause  
44 such officer's or employee's salary to exceed the job rate of such lower  
45 graded position.

46 10. Notwithstanding any other provision of this section or any law to  
47 the contrary, any increase in compensation may be withheld in whole or  
48 in part from any employee to whom the provisions of this section are  
49 applicable when, in the opinion of the director of the budget and the  
50 director of employee relations, such increase is not warranted or is not  
51 appropriate for any reason.

52 11. Notwithstanding any law, rule or regulation to the contrary, offi-  
53 cers and employees to whom the provisions of this section apply shall  
54 receive performance awards in accordance with the terms of a collective-  
55 ly negotiated agreement between the state and the employee organization  
56 representing such employees entered into pursuant to article 14 of the

1 civil service law, effective for the period commencing April 2, 2011 and  
2 ending April 1, 2015, in accordance with the rules and regulations  
3 issued by the director of the budget to implement payment of such nego-  
4 tiated performance awards.

5 S 4. Location compensation for certain state officers and employees.  
6 Notwithstanding any inconsistent provisions of law, officers and employ-  
7 ees, including seasonal officers and employees who shall receive the  
8 compensation provided for pursuant to this section on a pro-rated basis  
9 except part-time officers and employees, in the collective negotiating  
10 unit designated as the professional, scientific and technical services  
11 unit established pursuant to article 14 of the civil service law, whose  
12 principal place of employment or, in the case of a field employee, whose  
13 official station as determined in accordance with the regulations of the  
14 comptroller, is located: 1. in the county of Monroe and who were eligi-  
15 ble to receive location pay on March 31, 1985, shall receive location  
16 pay at the rate of two hundred dollars per year provided they continue  
17 to be otherwise eligible; or 2. in the city of New York, or in the coun-  
18 ty of Rockland, Westchester, Nassau or Suffolk shall continue to receive  
19 a downstate adjustment at the annual rate of three thousand twenty-six  
20 dollars effective April 1, 2011; or 3. in the county of Dutchess, Putnam  
21 or Orange shall continue to receive a mid-Hudson adjustment at the annu-  
22 al rate of one thousand five hundred thirteen dollars effective April 1,  
23 2011. Such location payments shall be in addition to and shall not be a  
24 part of an officer's or employee's basic annual salary, and shall not  
25 affect or impair any performance advancements or other rights or bene-  
26 fits to which an officer or employee may be entitled by law, provided,  
27 however, that location payments shall be included as compensation for  
28 purposes of computation of overtime pay and for retirement purposes. For  
29 the sole purpose of continuing eligibility for location pay in Monroe  
30 county, an officer or employee previously eligible to receive location  
31 pay on March 31, 1985 who is on an approved leave of absence or partic-  
32 ipates in an employer program to reduce to part-time service during  
33 summer months shall continue to be eligible for said location pay upon  
34 return to full-time state service in Monroe county.

35 S 5. Continuation of location compensation for certain officers and  
36 employees of the Hudson Valley developmental disabilities services  
37 office.

38 1. Notwithstanding any law, rule or regulation to the contrary, any  
39 officer or employee of the Hudson Valley developmental disabilities  
40 services office represented in the collective negotiating unit desig-  
41 nated as the professional, scientific and technical services unit, who  
42 is receiving location pay pursuant to section 5 of chapter 174 of the  
43 laws of 1993 shall continue to receive such location pay under the  
44 conditions and at the rate specified by such section.

45 2. Notwithstanding any law, rule or regulation to the contrary, any  
46 officer or employee of the Hudson Valley developmental disabilities  
47 services office represented in the collective negotiating unit desig-  
48 nated as the professional, scientific and technical services unit, who  
49 is receiving location pay pursuant to subdivision 2 of section 9 of  
50 chapter 315 of the laws of 1995 shall continue to receive such location  
51 pay under the conditions and at the rates specified by such subdivision.

52 3. Notwithstanding section four of this act or any other law, rule or  
53 regulation to the contrary, any officer or employee of the Hudson Valley  
54 developmental disabilities services office represented in the collective  
55 negotiating unit designated as the professional, scientific and techni-  
56 cal services unit, who is receiving location pay pursuant to section

four of this act shall continue to be eligible for such location pay if as the result of a reduction or redeployment of staff, such officer or employee is reassigned to or otherwise appointed or promoted to a different position at another work location within the Hudson Valley developmental disabilities services office. The rate of such continued location pay shall not exceed the rate such officer or employee is receiving on the date of such reassignment, appointment or promotion.

S 6. Special assignment to duty pay. Notwithstanding any inconsistent provisions of law, effective April 2, 2011, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, a special assignment to duty lump sum shall be paid each year to an employee who is serving in a particular assignment deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees assigned to qualifying work assignments and who work such assignments for the minimum periods of time in a year provided in the negotiated agreement. Assignment to duty pay shall not be paid in any year an employee does not meet the minimum period of time in such qualifying assignment required by the agreement or upon cessation of the assignment to duty program on March 31, 2015 unless an extension is negotiated by the parties. Such lump sum shall be considered salary only for final average salary retirement purposes.

S 7. Long term seasonal employees. Notwithstanding any inconsistent provisions of law, effective April 2, 2011, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, a lump sum shall be paid each year to an employee who is serving in a qualifying long term seasonal position. Such payment shall be in an amount negotiated and pursuant to negotiated qualifying criteria and shall be considered salary only for final average salary retirement purposes. Such benefit shall be available until March 31, 2015.

S 8. Notwithstanding any inconsistent provisions of law, where and to the extent that any agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, the state shall contribute an amount designated in such agreement and for the period covered by such agreement to the accounts of such employees enrolled for dependent care deductions pursuant to subdivision 7 of section 201-a of the state finance law. Such amounts shall be from funds appropriated in this act and shall not be part of basic annual salary for overtime or retirement purposes.

S 9. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 33 and 34 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law.

S 10. During the period April 2, 2011 through April 1, 2015, there shall be a statewide labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and an employee organization representing employees in the collective negotiating unit designated as the professional, scientific and

1 technical services unit established pursuant to article 14 of the civil  
2 service law which shall after April 2, 2011, have the responsibility of  
3 studying, making recommendations concerning the major issues of produc-  
4 tivity, the quality of work life and implementing the agreements  
5 reached.

6 S 11. Inconvenience pay program. Pursuant to chapter 333 of the laws  
7 of 1969, as amended, and an agreement negotiated between the state and  
8 an employee organization representing employees in the professional,  
9 scientific and technical services unit established pursuant to article  
10 14 of the civil service law, an eligible employee shall continue to be  
11 paid five hundred seventy-five dollars per year for working four or more  
12 hours between the hours of 6:00 p.m. and 6:00 a.m. effective April 2,  
13 2011.

14 S 12. Notwithstanding any provision of law to the contrary, effective  
15 April 2, 2011, where and to the extent that an agreement between the  
16 state and an employee organization so provides for a pilot program  
17 concerning a firearms training and safety incentive for peace officers  
18 in the professional, scientific and technical services bargaining unit,  
19 a lump sum payment for such incentive shall be paid for each year of  
20 such pilot program to any employee who is deemed qualified pursuant to  
21 such agreement. Such payment shall be in an amount negotiated for those  
22 employees who meet criteria established by such pilot program. Such  
23 payment shall occur at the time prescribed by such pilot program or as  
24 soon as practicable thereafter. Such lump sum payment shall not be paid  
25 in any year an employee does not meet the qualifications and criteria of  
26 such pilot program or upon cessation of such pilot program on April 1,  
27 2015 unless an extension is negotiated by the parties. Such lump sum  
28 payment shall be considered salary for overtime purposes.

29 S 13. Notwithstanding any provision of law to the contrary, effective  
30 April 2, 2011, where and to the extent that an agreement between the  
31 state and an employee organization entered into pursuant to article 14  
32 of the civil service law so provides on behalf of certain employees in  
33 the collective negotiating unit designated as the professional, scien-  
34 tific and technical services unit, and where there exists a policy  
35 requiring employees in the fire protection specialist title series at  
36 the office of fire prevention and control to wear uniforms, a lump sum  
37 uniform allowance shall be paid each year to covered employees in  
38 accordance with the terms of such agreement and policy. Such payments  
39 shall be in an amount negotiated for covered employees and shall not be  
40 paid in any year where a policy does not exist requiring uniforms in  
41 accordance with the terms of the agreement or where an employee is not  
42 required to wear a uniform or receives a regular uniform service. Such  
43 uniform allowance will cease to exist on April 1, 2015, unless an exten-  
44 sion is negotiated by the parties. Such lump sum shall be considered  
45 salary only for final average salary purposes.

46 S 14. The salary increases, salary deductions, salary reductions,  
47 benefit modifications, and any other modifications to the terms and  
48 conditions of employment provided for by this act for state employees in  
49 the collective negotiating unit designated as the professional, scien-  
50 tific and technical services unit established pursuant to article 14 of  
51 the civil service law shall not be implemented until the director of  
52 employee relations shall have delivered to the director of the budget  
53 and the comptroller a letter certifying that there is in effect with  
54 respect to such negotiating units collectively negotiated agreements,  
55 ratified by the membership, which provide for such increases,

deductions, reductions and modifications and which are fully executed in writing with the state pursuant to article 14 of the civil service law.

S 15. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2011 by the foregoing provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund are insufficient to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

S 16. Effect of participation in special annuity program. No officer or employee participating in a special annuity program pursuant to the provisions of article 8-c of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which he or she would otherwise be entitled by reason of participation in such program, and such salary adjustment shall be based upon the salary of such officer or employee without regard to the reduction authorized by such article.

S 17. The several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning April 1, 2011 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

ALL STATE DEPARTMENT AND AGENCIES  
SPECIAL PAY BILLS

General Fund / State Operations  
State Purposes Account - 003

Nonpersonal Service

Professional development and quality of working life committee .....	1,060,000
Health and Safety .....	1,376,000
PSPT Program .....	4,008,000
Joint Funded Programs .....	1,961,000
Multi-Funded Programs .....	1,919,000
Professional Development for Nurses .....	500,000
Property Damage .....	41,000
Family Benefits .....	3,769,000
Employee Assistance Program .....	852,000
Joint Committee on Health Benefits .....	500,000
PEF IT .....	1,000,000
Contract administration .....	300,000

1 S 18. This act shall take effect immediately and shall be deemed to  
2 have been in full force and effect on and after April 2, 2011. Appropri-  
3 ations made by this act shall remain in full force and effect for  
4 liabilities incurred through March 31, 2013.

REPEAL NOTE.--Subparagraphs 1, 2, 3 and 4 of paragraph c of subdivi-  
sion 1 of section 130 of the civil service law, repealed by section one  
of this act, provided salary schedules for state employees in the  
professional, scientific and technical services unit and are replaced by  
revised salary schedules in new subparagraphs 1 and 2. Paragraph (d) of  
subdivision 6 of section 131 of the civil service law, repealed by  
section two of this act, provided employees holding positions allocated  
to Grade 18 or below the ability to advance to a merit step above the  
job rate in certain circumstances. The merit step was eliminated as of  
April 1, 2010.