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

S. 7747 A. 10720

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

June 17, 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 COMMITTEE ON RULES -- (at request of 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 and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of corrections and community supervision; authorizing funding of joint labor-management committees; implementing an agreement between the state and an employee organization; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

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

Section 1. Paragraph g of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph g is added to read as follows:

G. PURSUANT TO THE TERMS OF AN AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW COVERING MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT DESIGNATED AS THE SECURITY SERVICES COLLECTIVE NEGOTIATING UNIT WHO ARE EMPLOYED WITHIN THE STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION AND WHO ARE DESIGNATED AS PEACE OFFICERS PURSUANT TO SECTION 2.10 OF THE CRIMINAL PROCEDURE LAW, EFFECTIVE ON THE DATES INDICATED, SALARY GRADES FOR SUCH UNIT MEMBERS SHALL BE AS FOLLOWS:

(1) EFFECTIVE APRIL SECOND, TWO THOUSAND NINE FOR OFFICERS AND EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE MARCH TWENTY-SIXTH, TWO THOUSAND NINE FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

SECURITY SERVICES SALARY SCHEDULE
ARBITRATION ELIGIBLE ONLY

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

LBD12163-04-2

SG	HIRING RATE	PERF. ADVANCE STEP 1	PERF. ADVANCE STEP 2	PERF. ADVANCE STEP 3	PERF. ADVANCE STEP 4	PERF. ADVANCE STEP 5
1	23964	24896	25828	26760	27692	28624
2	24775	25757	26739	27721	28703	29685
3	25908	26933	27958	28983	30008	31033
4	26994	28075	29156	30237	31318	32399
5	28191	29325	30459	31593	32727	33861
6	29576	30771	31966	33161	34356	35551
7	31153	32395	33637	34879	36121	37363
8	32812	34102	35392	36682	37972	39262
9	34547	35894	37241	38588	39935	41282
10	36413	37829	39245	40661	42077	43493
11	38463	39937	41411	42885	44359	45833
12	40505	42044	43583	45122	46661	48200
13	42821	44427	46033	47639	49245	50851
14	45183	46867	48551	50235	51919	53603
15	47684	49435	51186	52937	54688	56439
16	50277	52107	53937	55767	57597	59427
17	53002	54931	56860	58789	60718	62647
18	55918	57941	59964	61987	64010	66033
19	58873	60987	63101	65215	67329	69443
20	61805	64015	66225	68435	70645	72855
21	65034	67337	69640	71943	74246	76549
22	68416	70855	73294	75733	78172	80611
23	72024	74533	77042	79551	82060	84569
24	75823	78425	81027	83629	86231	88833
25	79954	82668	85382	88096	90810	93524

SG	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	LONG MAX. 25-YR LONG STEP
1	29556	932	31203	32652	35268	36718
2	30667	982	32408	33942	36631	38164
3	32058	1025	33874	35473	38217	39816
4	33480	1081	35519	37072	39889	41441
5	34995	1134	37005	38773	41666	43435
6	36746	1195	38863	40727	43703	45566
7	38605	1242	40806	42743	45782	47717
8	40552	1290	42840	44852	47957	49970
9	42629	1347	45021	47123	50309	52413
10	44909	1416	47414	49618	52888	55094
11	47307	1474	49914	52211	55562	57859
12	49739	1539	52469	54869	58312	60713
13	52457	1606	55300	57800	61333	63831
14	55287	1684	58265	60885	64518	67138
15	58190	1751	61292	64021	67748	70477
16	61257	1830	64498	67350	71186	74038
17	64576	1929	67987	70989	74954	77956
18	68056	2023	71642	74800	78899	82055
19	71557	2114	75301	78595	82813	86107
20	75065	2210	78982	82430	86780	90229

21	78852	2303	82935	86530	91007	94600
22	83050	2439	87369	91167	95826	99625
23	87078	2509	91528	95443	100199	104114
24	91435	2602	96045	100103	104987	109045
25	96238	2714	101046	105279	110309	114543

(2) EFFECTIVE APRIL FIRST, TWO THOUSAND TEN FOR OFFICERS AND EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE MARCH TWENTY-FIFTH, TWO THOUSAND TEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

SECURITY SERVICES SALARY SCHEDULE
ARBITRATION ELIGIBLE ONLY

SG	HIRING RATE	PERF. ADVANCE STEP 1	PERF. ADVANCE STEP 2	PERF. ADVANCE STEP 3	PERF. ADVANCE STEP 4	PERF. ADVANCE STEP 5
1	24923	25892	26861	27830	28799	29768
2	25766	26787	27808	28829	29850	30871
3	26944	28010	29076	30142	31208	32274
4	28074	29198	30322	31446	32570	33694
5	29319	30498	31677	32856	34035	35214
6	30759	32002	33245	34488	35731	36974
7	32399	33691	34983	36275	37567	38859
8	34124	35466	36808	38150	39492	40834
9	35929	37330	38731	40132	41533	42934
10	37870	39343	40816	42289	43762	45235
11	40002	41535	43068	44601	46134	47667
12	42125	43726	45327	46928	48529	50130
13	44534	46204	47874	49544	51214	52884
14	46990	48741	50492	52243	53994	55745
15	49591	51412	53233	55054	56875	58696
16	52288	54191	56094	57997	59900	61803
17	55122	57128	59134	61140	63146	65152
18	58155	60259	62363	64467	66571	68675
19	61228	63427	65626	67825	70024	72223
20	64277	66576	68875	71174	73473	75772
21	67635	70030	72425	74820	77215	79610
22	71153	73690	76227	78764	81301	83838
23	74905	77514	80123	82732	85341	87950
24	78856	81562	84268	86974	89680	92386
25	83152	85975	88798	91621	94444	97267

SG	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	LONG MAX. 25-YR LONG STEP
1	30737	969	32450	33957	36677	38185
2	31892	1021	33703	35298	38095	39689
3	33340	1066	35229	36892	39745	41408
4	34818	1124	36939	38554	41483	43097
5	36393	1179	38483	40322	43331	45171
6	38217	1243	40419	42357	45452	47390
7	40151	1292	42440	44455	47615	49627
8	42176	1342	44556	46648	49877	51971

9	44335	1401	46823	49009	52322	54510
10	46708	1473	49313	51605	55006	57300
11	49200	1533	51911	54300	57785	60174
12	51731	1601	54570	57066	60647	63144
13	54554	1670	57511	60111	63785	66383
14	57496	1751	60593	63318	67096	69821
15	60517	1821	63743	66581	70457	73295
16	63706	1903	67077	70043	74032	76998
17	67158	2006	70705	73828	77951	81073
18	70779	2104	74508	77793	82056	85338
19	74422	2199	78316	81742	86128	89554
20	78071	2299	82145	85731	90255	93842
21	82005	2395	86251	89990	94646	98383
22	86375	2537	90867	94817	99662	103613
23	90559	2609	95187	99259	104205	108276
24	95092	2706	99886	104107	109186	113406
25	100090	2823	105090	109493	114724	119127

(3) EFFECTIVE MARCH TWENTY-SEVENTH, TWO THOUSAND FOURTEEN FOR OFFICERS AND EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE APRIL THIRD, TWO THOUSAND FOURTEEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

SECURITY SERVICES SALARY SCHEDULE
ARBITRATION ELIGIBLE ONLY

SG	HIRING RATE	PERF. ADVANCE STEP 1	PERF. ADVANCE STEP 2	PERF. ADVANCE STEP 3	PERF. ADVANCE STEP 4	PERF. ADVANCE STEP 5
1	25421	26410	27399	28388	29377	30366
2	26281	27323	28365	29407	30449	31491
3	27483	28570	29657	30744	31831	32918
4	28635	29782	30929	32076	33223	34370
5	29905	31108	32311	33514	34717	35920
6	31374	32642	33910	35178	36446	37714
7	33047	34365	35683	37001	38319	39637
8	34806	36175	37544	38913	40282	41651
9	36648	38077	39506	40935	42364	43793
10	38627	40130	41633	43136	44639	46142
11	40802	42366	43930	45494	47058	48622
12	42968	44601	46234	47867	49500	51133
13	45425	47128	48831	50534	52237	53940
14	47930	49716	51502	53288	55074	56860
15	50583	52440	54297	56154	58011	59868
16	53334	55275	57216	59157	61098	63039
17	56224	58270	60316	62362	64408	66454
18	59318	61464	63610	65756	67902	70048
19	62453	64696	66939	69182	71425	73668
20	65563	67908	70253	72598	74943	77288
21	68988	71431	73874	76317	78760	81203
22	72576	75164	77752	80340	82928	85516
23	76403	79064	81725	84386	87047	89708
24	80433	83193	85953	88713	91473	94233
25	84815	87695	90575	93455	96335	99215

SG	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	LONG MAX. 25-YR LONG STEP
1	31355	989	33102	34639	37414	38952
2	32533	1042	34380	36007	38860	40486
3	34005	1087	35932	37628	40538	42234
4	35517	1147	37680	39328	42315	43962
5	37123	1203	39255	41131	44200	46077
6	38982	1268	41228	43205	46362	48338
7	40955	1318	43290	45345	48568	50621
8	43020	1369	45448	47581	50875	53011
9	45222	1429	47760	49989	53369	55601
10	47645	1503	50302	52640	56109	58449
11	50186	1564	52951	55388	58943	61379
12	52766	1633	55662	58208	61860	64407
13	55643	1703	58659	61311	65059	67709
14	58646	1786	61805	64584	68438	71218
15	61725	1857	65016	67910	71864	74759
16	64980	1941	68418	71444	75513	78538
17	68500	2046	72118	75303	79509	82693
18	72194	2146	75998	79348	83697	87044
19	75911	2243	79883	83377	87851	91346
20	79633	2345	83788	87446	92061	95719
21	83646	2443	87977	91791	96540	100352
22	88104	2588	92686	96715	101657	105687
23	92369	2661	97090	101243	106288	110440
24	96993	2760	101883	106188	111369	115673
25	102095	2880	107195	111686	117022	121513

(4) EFFECTIVE MARCH TWENTY-SIXTH, TWO THOUSAND FIFTEEN FOR OFFICERS AND EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE APRIL SECOND, TWO THOUSAND FIFTEEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

SECURITY SERVICES SALARY SCHEDULE
ARBITRATION ELIGIBLE ONLY

SG	HIRING RATE	PERF. ADVANCE STEP 1	PERF. ADVANCE STEP 2	PERF. ADVANCE STEP 3	PERF. ADVANCE STEP 4	PERF. ADVANCE STEP 5
1	25929	26938	27947	28956	29965	30974
2	26807	27870	28933	29996	31059	32122
3	28033	29142	30251	31360	32469	33578
4	29208	30378	31548	32718	33888	35058
5	30503	31730	32957	34184	35411	36638
6	32001	33295	34589	35883	37177	38471
7	33708	35052	36396	37740	39084	40428
8	35502	36898	38294	39690	41086	42482
9	37381	38839	40297	41755	43213	44671
10	39400	40933	42466	43999	45532	47065
11	41618	43213	44808	46403	47998	49593
12	43827	45493	47159	48825	50491	52157

13	46334	48071	49808	51545	53282	55019
14	48889	50711	52533	54355	56177	57999
15	51595	53489	55383	57277	59171	61065
16	54401	56381	58361	60341	62321	64301
17	57348	59435	61522	63609	65696	67783
18	60504	62693	64882	67071	69260	71449
19	63702	65990	68278	70566	72854	75142
20	66874	69266	71658	74050	76442	78834
21	70368	72860	75352	77844	80336	82828
22	74028	76668	79308	81948	84588	87228
23	77931	80645	83359	86073	88787	91501
24	82042	84857	87672	90487	93302	96117
25	86511	89449	92387	95325	98263	101201

SG	JOB RATE	PERF. ADV.	10-YR LONG STEP	15-YR LONG STEP	20-YR LONG STEP	LONG MAX. 25-YR LONG STEP
1	31983	1009	33765	35333	38163	39732
2	33185	1063	35069	36728	39639	41297
3	34687	1109	36653	38382	41351	43081
4	36228	1170	38434	40115	43162	44842
5	37865	1227	40040	41953	45084	46998
6	39765	1294	42056	44072	47293	49308
7	41772	1344	44154	46250	49537	51631
8	43878	1396	46355	48530	51890	54069
9	46129	1458	48718	50991	54439	56716
10	48598	1533	51308	53693	57231	59618
11	51188	1595	54008	56494	60120	62605
12	53823	1666	56777	59374	63099	65697
13	56756	1737	59832	62537	66360	69063
14	59821	1822	63043	65878	69809	72644
15	62959	1894	66316	69268	73301	76254
16	66281	1980	69788	72874	77025	80110
17	69870	2087	73560	76809	81099	84347
18	73638	2189	77518	80935	85371	88785
19	77430	2288	81481	85045	89609	93174
20	81226	2392	85464	89195	93903	97634
21	85320	2492	89738	93628	98472	102360
22	89868	2640	94542	98651	103692	107803
23	94215	2714	99030	103266	108412	112647
24	98932	2815	103920	108311	113596	117986
25	104139	2938	109341	113922	119365	123945

S 2. Subdivision 2 of section 207-a of the state finance law, as amended by chapter 214 of the laws of 2009, is amended to read as follows:

2. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law between the state and an employee organization so provides on behalf of employees in the collective negotiating unit designated as the security services unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization

for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement or award providing for such employee benefit fund, such amount to be determined consistent with said agreement or award on the basis of the number of full-time annual salaried employees, as determined by the comptroller, on the payroll on the last day of the payroll period in which March first, two thousand [seven] NINE, falls for payments to be made on April first, two thousand [seven] NINE, on the last day of the payroll period in which March first, two thousand [eight] TEN falls for payments to be made on April first, two thousand [eight] TEN, ON THE LAST DAY OF THE PAYROLL PERIOD IN WHICH MARCH FIRST, TWO THOUSAND ELEVEN FALLS FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND ELEVEN, ON THE LAST DAY OF THE PAYROLL PERIOD IN WHICH MARCH FIRST, TWO THOUSAND TWELVE FALLS FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND TWELVE, ON THE LAST DAY OF THE PAYROLL PERIOD IN WHICH MARCH FIRST, TWO THOUSAND THIRTEEN FALLS FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND THIRTEEN, ON THE LAST DAY OF THE PAYROLL PERIOD IN WHICH MARCH FIRST, TWO THOUSAND FOURTEEN FALLS FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND FOURTEEN AND, ON THE LAST DAY OF THE PAYROLL PERIOD IN WHICH MARCH FIRST, TWO THOUSAND FIFTEEN FALLS FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND FIFTEEN. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The director may enter into an agreement with an employee organization which sets forth the specific terms and conditions for the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section.

S 3. Compensation for members of the collective negotiating unit designated as security services pursuant to an agreement between the state of New York and the employee organization representing such individuals entered into pursuant to article 14 of the civil service law (hereinafter "the agreement" or "an agreement").

1. The provisions of this section shall apply to annual salaried members of the security services collective negotiating unit employed within the state department of corrections and community supervision, who are designated as peace officers pursuant to section 2.10 of the criminal procedure law.

2. Effective April 1, 2009, the basic annual salary of those members who are in annual salaried employment status on March 31, 2009 shall be increased by 3 percent.

3. Effective April 1, 2010, the basic annual salary of those members who are in annual salaried employment status on March 31, 2010 shall be increased by 4 percent.

4. (a) Effective April 1, 2013, a lump sum payment of seven hundred seventy-five dollars shall be made to each annual salaried member of the security services collective negotiating unit employed within the state department of corrections and community supervision, who is designated as a peace officer pursuant to section 2.10 of the criminal procedure law who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security services unit and (ii) in continuous service, as defined by paragraph (c) of subdivision 3 of section 130 of the civil service

law, from that date until April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary. Notwithstanding the foregoing provisions of this subdivision, officers and employees who would have otherwise been eligible to receive such lump sum payment, but who were not on the payroll on such date, shall be eligible for said payment if they return to annual salaried employment status during the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, a lump sum payment of two hundred twenty-five dollars shall be made to each annual salaried member of the security services collective negotiating unit employed within the state department of corrections and community supervision, who is designated as a peace officer pursuant to section 2.10 of the criminal procedure law who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security services unit and (ii) in continuous service, as defined by paragraph (c) of subdivision 3 of section 130 of the civil service law, from that date until April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary.

5. Effective April 1, 2014, the basic annual salary of those members who are in annual salaried employment status on March 31, 2014, shall be increased by two percent.

6. Effective April 1, 2015, the basic annual salary of those members who are in annual salaried employment status on March 31, 2015, shall be increased by two percent.

7. Advancement within a salary grade. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for all annual-salaried officers and employees in the security services unit who are entitled to such payments shall be payable pursuant to the terms of an agreement.

8. Effective April 1, 2009, pursuant to the terms of an agreement covering those members of the security services collective negotiating unit who are employed with the state department of corrections and community supervision and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, for such unit members who are on the institutional or administrative payroll, the ten year, fifteen year, twenty year and twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by paragraph g of subdivision 1 of section 130 of the civil service law as added by section one of this act.

9. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such annual salaried unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, two, three, four, or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step, or the twenty-five-year longevity step of the salary grade of his or her position on the effective dates of the increases provided by this section, respectively, for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five-year longevity step of such salary grade as contained in paragraph g of subdivision one of section 130 of the civil service law, as added by section one of this

act, to take effect on the dates provided in paragraph g of subdivision one of section 130 of the civil service law, as added by section one of this act. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, five, six, seven, and eight of this section.

10. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit member to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.

11. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivisions four, seven, eight, and nine of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

12. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis.

13. In order to provide for the annual salaried officers and employees to whom this section applies who are not allocated to salary grades, performance advancements and payments in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries thereof for which adjustments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

14. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

S 4. Additional compensation for annual salaried members of the security services collective negotiating unit who are employed within the state department of corrections and community supervision and who are designated as peace officers, pursuant to section 2.10 of the criminal procedure law, in recognition of pre-shift briefing.

1. In recognition of the general requirement for these unit members to assemble for briefing prior to the commencement of duties, where and to the extent a determination made by the public arbitration panel so provides on behalf of such unit members to whom the provisions of this

subdivision apply on behalf of each such employee except such employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, such members shall continue to receive additional compensation in recognition of pre-shift briefing.

2. Each such unit member to whom the provisions of this subdivision apply, shall continue to receive a minimum of eight dollars for each day while in payroll status when such pre-shift briefing time is not otherwise compensated at a greater amount at the one and one-half times the hourly rate of pay provided for by subdivision 1 of section 134 of the civil service law and the rules and regulations of the director of the budget. Each such unit member to whom the provisions of this subdivision apply, subject to the provisions of this subdivision, shall continue to receive a minimum of forty dollars per week in addition to base pay. No payments authorized pursuant to this subdivision shall be made to an employee who is in non-pay status for that day.

3. Any such additional compensation pursuant to this subdivision, shall be paid in addition to and shall not be a part of such employee's basic annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this subdivision or of any other law, such additional compensation as added by this subdivision shall be in lieu of the continuation of any other additional compensation for such unit members in recognition of pre-shift briefing.

S 5. Locational compensation for certain members of the security services collective negotiating units. 1. Pursuant to the terms of an agreement covering certain members of the security services unit who are eligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, all members of this unit who are employed by the state department of corrections and community supervision as peace officers pursuant to section 2.10 of the criminal procedure law, and are annual salaried employees and whose principal place of employment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau, or Suffolk, shall receive locational compensation according to the following schedule:

	Orange/Putnam/Dutchess	NYC/Rock/Nassau/Suffolk/West
April 1, 2009	$1,231	$3,306
April 1, 2010	$1,280	$3,438
April 1, 2011	$1,280	$3,438
April 1, 2012	$1,280	$3,438
April 1, 2013	$1,280	$3,438
April 1, 2014	$1,280	$3,438
April 1, 2015	$1,280	$3,438

2. The locational compensation as set out in all subdivisions of this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law, provided, however, that locational compensation shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the 26 payroll periods in each fiscal year.

S 6. Inconvenience pay. Pursuant to the terms of an agreement covering certain members of the security services unit who are eligible for

interest arbitration and who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective April 1, 2009, the inconvenience pay paid to annual salaried unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of corrections and community supervision, shall increase by three percent to one thousand eight hundred fifty-four dollars per year to be paid in equal bi-weekly installments for work on such shift. Effective April 1, 2010, this amount shall be increased by four percent to one thousand nine hundred twenty-eight dollars. Effective April 1, 2014, this amount shall be increased by two percent to one thousand nine hundred sixty-seven dollars. Effective April 1, 2015, this amount shall be increased by two percent to two thousand six dollars.

Effective April 1, 2009, the inconvenience pay paid to annual salaried unit members to whom the provisions of this section apply who work the night shift as defined by the individual facilities within the department of corrections and community supervision shall be increased by three percent to nine hundred twenty-seven dollars per year to be paid in equal bi-weekly installments for work on such shift. Effective April 1, 2010, this amount shall be increased by four percent to nine hundred sixty-four dollars. Effective April 1, 2014, this amount shall be increased by two percent to nine hundred eighty-three dollars. Effective April 1, 2015, this amount shall be increased by two percent to one thousand three dollars. Such unit members to whom the provisions of this section apply who are on paid leave for line of duty injuries shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

S 7. Expanded duty pay. Pursuant to the terms of an agreement covering members of the security services collective negotiating unit who are employed within the state department of corrections and community supervision and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law and notwithstanding any other provision of law, effective March 31, 2011, such annual salaried unit members to whom the provisions of this section apply shall be paid an expanded duty pay in the amount of two thousand six hundred dollars per year. Payment for such compensation shall be equally divided over the 26 payroll periods of a fiscal year. Such compensation pursuant to this section shall be included as compensation for overtime and retirement purposes.

S 8. During the period April 1, 2012 through March 31, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law which shall, after March 31, 2012, with the amounts available therefor, study and make recommendations concerning major issues of, health benefits, employee assistance, performance evaluation, education and training, quality of work life and provide for the implementation of the terms of agreements of such committee.

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 7 and 8 of the collective negotiating agreement between the state and the employee organization representing the

collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law.

S 10. Notwithstanding any provision of law, rule or regulation to the contrary, and where and to the extent an agreement negotiated between the state and the employee organization representing employees in the security services unit established pursuant to article 14 of the civil service law so provides, the salaries of newly hired employees on or after September 1, 1992 into state service in positions within negotiating units shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.

S 11. The salary increases, benefit modifications, and any other modifications to terms and conditions of employment provided for by this act for state employees in the collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to such negotiating units collectively negotiated agreements, ratified by the membership, which provide for such increases and modifications.

S 12. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any members of the security services collective negotiating unit established pursuant to article 14 of the civil service law who are annual salaried employees and who are employed by the state department of corrections and community supervision and are peace officers pursuant to section 2.10 of the criminal procedure law, provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section thirteen of this act.

S 13. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act, or of any other law to the contrary, pending payment pursuant to this act of the basic annual salaries and other compensation to incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2009, until the time when basic annual salaries and other compensation are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received therefor in accordance with the terms of the agreement between the employee organization representing such members and the state. The amounts paid under this act shall count

as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which it is paid. Notwithstanding any provision of law, rule or regulation to the contrary, no member of the security services unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the agreement covering employees in the security services unit.

S 14. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, 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 make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2012 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether they occurred prior to or during the state fiscal year commencing April 1, 2012.

S 15. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section, 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, 2012 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. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to April 1, 2012 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2012. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2012. 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 chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account 003

PERSONAL SERVICE

Personal service - regular 313,697,000

NONPERSONAL SERVICE

Fringe benefits 23,008,000
Labor Management Committees 279,000

Employee assistance program 200,000
Joint committee on health benefits 165,000
Contract administration 200,000
Employee Benefit Fund 779,000
Employee Training and Development 159,000
Organizational alcoholism program 156,000
Labor Management Training 100,000
Family Benefits 431,000
Legal Defense Fund 150,000

Special Revenue Federal
Federal Operating Grants Fund

PERSONAL SERVICE

Personal service - regular 64,000

NONPERSONAL SERVICE

Fringe benefits 33,000

S 16. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

REPEAL NOTE.--Paragraph g of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security services who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in a new paragraph g of subdivision 1 of section 130 of the civil service law.