

981

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to a one year wage freeze; 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. The legislature hereby finds and  
2 declares that a fiscal emergency exists in the state of New York. The  
3 state's fiscal condition has been significantly weakened by the impact  
4 of the national economic recession and a phase-down of American Recovery  
5 and Reinvestment Act funds which will have a negative impact on the  
6 state's funds. These factors have led to a structural imbalance between  
7 revenues and expenditures which has contributed to New York becoming one  
8 of the highest taxed states in the nation. It is hereby found and  
9 declared that the state is in a state of fiscal crisis, and that the  
10 welfare of taxpayers in the state is seriously threatened. The state,  
11 its school districts and municipalities are experiencing extreme pressures  
12 to continue to provide adequate infrastructure and core services  
13 to its residents while also ensuring that taxes remain affordable. It is  
14 therefore, further found and declared that a combination of enhanced  
15 budgetary discipline and short-term budgetary relief is necessary to  
16 assist the state, municipalities and school districts as well as taxpayers  
17 to facilitate a return to fiscal and economic stability, while  
18 ensuring adequate funding for the provision of essential services.

19     S 2. The civil service law is amended by adding a new section 137 to  
20 read as follows:

21     S 137. WAGE FREEZE. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO  
22 THE CONTRARY ALL INCREASES IN SALARY OR WAGES OF EMPLOYEES OF THE STATE,  
23 MUNICIPALITIES AND SCHOOL DISTRICTS WHICH WILL TAKE EFFECT AFTER THE

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

LBD06203-01-1

1 EFFECTIVE DATE OF THIS SECTION PURSUANT TO COLLECTIVE BARGAINING AGREE-  
2 MENTS, OTHER ANALOGOUS CONTRACTS OR INTEREST ARBITRATION AWARDS, NOW IN  
3 EXISTENCE OR HEREAFTER ENTERED INTO, REQUIRING SUCH SALARY OR WAGE  
4 INCREASES AS OF ANY DATE THEREAFTER ARE SUSPENDED FOR A PERIOD OF ONE  
5 YEAR. FURTHER ALL INCREASED PAYMENTS FOR HOLIDAY AND VACATION DIFFEREN-  
6 TIALS, SHIFT DIFFERENTIALS, SALARY ADJUSTMENTS ACCORDING TO PLAN AND  
7 STEP-UPS OR INCREMENTS FOR EMPLOYEES OF THE STATE, MUNICIPALITIES AND  
8 SCHOOL DISTRICTS WHICH WILL TAKE EFFECT AFTER THE DATE OF THE ORDER  
9 PURSUANT TO COLLECTIVE BARGAINING AGREEMENTS, OTHER ANALOGOUS CONTRACTS  
10 OR INTEREST ARBITRATION AWARDS REQUIRING SUCH INCREASED PAYMENTS AS OF  
11 ANY DATE THEREAFTER ARE, IN THE SAME MANNER, SUSPENDED FOR A PERIOD OF  
12 ONE YEAR. FOR THE PURPOSES OF COMPUTING THE PENSION BASE OF RETIREMENT  
13 ALLOWANCES, ANY SUSPENDED SALARY OR WAGE INCREASES AND ANY OTHER  
14 SUSPENDED PAYMENTS SHALL NOT BE CONSIDERED AS PART OF COMPENSATION OR  
15 FINAL COMPENSATION OR OF ANNUAL SALARY EARNED OR EARNABLE.

16 2. NOTWITHSTANDING THE PROVISION OF SUBDIVISION ONE OF THIS SECTION,  
17 NO RETROACTIVE PAY ADJUSTMENTS OF ANY KIND SHALL ACCRUE OR BE DEEMED TO  
18 ACCRUE DURING THE PERIOD OF WAGE FREEZE, AND NO SUCH ADDITIONAL AMOUNTS  
19 SHALL BE PAID AT THE TIME A WAGE FREEZE IS LIFTED, OR AT ANY TIME THERE-  
20 AFTER.

21 S 3. If any section, part or provision of this act shall be adjudged  
22 unconstitutional or invalid or ineffective by any court of this state,  
23 any party in interest shall have a direct appeal as of right to the  
24 court of appeals of the state of New York, and such appeal shall have  
25 preference over all other causes. Service upon the adverse party of a  
26 notice of appeal shall stay the effect of the judgment or order appealed  
27 from pending the hearing and determination of the appeal.

28 S 4. This act shall take effect immediately and shall expire and be  
29 deemed repealed one year after such effective date.