

5778

2011-2012 Regular Sessions

I N S E N A T E

June 16, 2011

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

AN ACT to provide for the adjustment of stipends of certain incumbents
in the state university of New York and designating moneys therefor;
to continue a doctoral program recruitment and retention enhancement
fund; to continue an employee assistance program; to continue a
professional development committee; to continue a comprehensive
college graduate program recruitment and retention fund; to continue a
fee mitigation fund; to continue a downstate location fund; to contin-
ue a joint labor management advisory board and to create an accidental
death benefit

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

1 Section 1. Adjustment to stipends of certain incumbents in the state
2 university of New York. a. The stipends as of academic year 2007-2008
3 for incumbents of positions in the state university of New York in the
4 collective negotiating unit designated as the state university graduate
5 student negotiating unit in the state university of New York established
6 pursuant to article 14 of the civil service law, on September 30, 2007,
7 shall be increased by three percent, rounded up to the next dollar,
8 commencing the beginning of the payroll period the first day of which is
9 nearest to October 1, 2007. "Incumbent," as referenced in this subdivi-
10 sion and subdivision b of this section, shall be defined as members of
11 the state university graduate student negotiating unit established
12 pursuant to article 14 of the civil service law who were employed by the
13 state university of New York on or after July 2, 2007, and are also
14 employed by the state university of New York at the time of payment or
15 are matriculated at the same campus in which they were employed at the
16 time of payment.

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

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b. The stipends as of academic year 2008-2009 for incumbents of positions in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2008, shall be increased by three percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2008.

c. (i) This subdivision shall apply to employees in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law.

(ii) The minimum stipend for academic year 2007-2008 shall increase by three percent to eight thousand three hundred thirty-six dollars annually for employees on full assistantships at university center campuses effective concurrent with the effective date of the increase in subdivision a of this section commencing the beginning of the payroll period the first day of which is nearest to October 1, 2007.

(iii) The minimum stipend for academic year 2008-2009 shall increase by three percent to be eight thousand five hundred eighty-six dollars annually for employees on full assistantships at university center campuses effective concurrent with the effective date of the increase in subdivision b of this section commencing the beginning of the payroll period the first day of which is nearest to October 1, 2008.

(iv) Nothing herein shall prevent the state university of New York, in its discretion, from increasing amounts paid to incumbents of positions of the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law in addition to the minimum stipend provided, however, that the amounts required for such other increases and the cost of fringe benefits attributable to such other increases, as determined by the comptroller, are made available to the state in accordance with procedures established by the state university of New York.

d. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the chancellor of the state university of New York, the director of the budget, and the director of the governor's office of employee relations, such increase is not warranted or is not appropriate.

S 2. Doctoral program recruitment and retention enhancement fund. There is hereby continued, within the state university of New York, a doctoral program recruitment and retention enhancement fund from the amounts appropriated herein. Such fund shall be used to enhance employee compensation for the purpose of recruitment and retention of new and existing doctoral students in selected programs. The specific doctoral programs eligible for enhanced compensation pursuant to this section shall be at the discretion of the state university of New York. However, each doctoral degree granting university campus of the state university of New York shall receive an allocation from such fund in an amount proportionate to the total number of employees at such campus. To be eligible for a payment for recruitment and retention initiatives, an employee must have been employed on or after July 2, 2007 and must be employed at the time of payment. This program shall expire July 1, 2009.

S 3. Comprehensive college graduate program recruitment and retention fund. There is hereby continued, within the state university of New

1 York, a comprehensive college graduate program recruitment and retention
2 fund from the amounts appropriated herein. Such fund shall be used to
3 enhance employee compensation for the purpose of recruitment and
4 retention of new and existing graduate students in selected degree
5 programs. The specific graduate degree programs eligible for enhanced
6 compensation pursuant to this section shall be at the discretion of the
7 state university of New York. Each campus shall receive an allocation
8 from such appropriation proportionate to the total number of employees
9 at such campus. To be eligible for a payment for recruitment and
10 retention initiatives, an employee must have been employed on or after
11 July 2, 2007 and must be employed at the time of payment. This program
12 shall expire July 1, 2009.

13 S 4. Fee mitigation fund. There is hereby continued, within the state
14 university of New York, a fee mitigation fund from the amounts appropri-
15 ated herein. Such fund shall be used for the purpose of funding the cost
16 of various fees, including but not limited to technology fees. The
17 specific fee mitigation initiatives funded pursuant to this section
18 shall be at the discretion of the state university of New York. Each
19 campus shall receive an allocation from such appropriation proportionate
20 to the total number of employees at such campus. To be eligible for such
21 payment, an employee must be employed at the time of payment. This
22 program shall expire July 1, 2009.

23 S 5. Downstate location fund. There is hereby continued, with the
24 state university of New York, a downstate location fund from the amounts
25 appropriated herein. Such fund shall be used for the purpose of funding
26 location adjustments in the downstate area for employees whose work site
27 is New York city, Suffolk, Nassau, Rockland, Westchester, Dutchess,
28 Putnam, or Orange counties. The specific location adjustments funded
29 pursuant to this section shall be at the discretion of the state univer-
30 sity of New York. Each campus shall receive an allocation from such
31 appropriation proportionate to the total number of employees at such
32 campus. To be eligible for such payment, an employee must be employed at
33 the time of payment. This program shall expire July 1, 2009.

34 S 6. Joint labor management advisory board. Pursuant to the terms of
35 an agreement negotiated between the state and the employee organization
36 representing employees in the collective negotiating unit designated as
37 the state university graduate student negotiating unit in the state
38 university of New York established pursuant to article 14 of the civil
39 service law, there shall be continued a joint labor management advisory
40 board to study and make recommendations concerning issues of family
41 benefits and implement agreements that may be entered into between the
42 state and such employee organization concerning such issues within the
43 appropriations made available therefor.

44 S 7. Employee assistance program. Pursuant to the terms of an agree-
45 ment negotiated between the state and the employee organization repres-
46 enting the collective negotiating unit designated as the state universi-
47 ty graduate student negotiating unit in the state university of New York
48 established pursuant to article 14 of the civil service law, there shall
49 be continued an employee assistance program to be administered in
50 accordance with such agreement within the appropriations made available
51 therefor. This program shall expire July 1, 2009.

52 S 8. Professional development committee. Pursuant to the terms of an
53 agreement negotiated between the state and the employee organization
54 representing the collective negotiating unit designated as the state
55 university graduate student negotiating unit in the state university of
56 New York established pursuant to article 14 of the civil service law,

1 there shall be continued a professional development committee to review,
2 make recommendations and implement programs for professional develop-
3 ment. Such program shall be administered in accordance with such agree-
4 ment within the appropriations made available therefor. This program
5 shall expire July 1, 2009.

6 S 9. Notwithstanding any provision of law to the contrary, the appro-
7 priations contained in this act shall be available to the state for the
8 payment of grievance and arbitration settlements and awards provided for
9 in the collective negotiating agreement between the state and employee
10 organization representing the collective negotiating unit designated as
11 the state university graduate student negotiating unit in the state
12 university of New York established pursuant to article 14 of the civil
13 service law.

14 S 10. Accidental death benefit. Pursuant to the terms of an agreement
15 negotiated between the state and the employee organization representing
16 the collective negotiating unit designated as the state university grad-
17 uate student negotiating unit in the state university of New York estab-
18 lished pursuant to article 14 of the civil service law, there shall be
19 created a death benefit in the amount of fifty thousand dollars, in the
20 event an employee dies on or after July 2, 2007 as the result of an
21 accidental on-the-job injury and a death benefit is paid pursuant to the
22 workers' compensation law, payable by the state to the employee's
23 surviving spouse and children to whom the workers' compensation acci-
24 dental death benefit is paid, or to the employee's estate, and in the
25 same proportion as the workers' compensation accidental death benefit is
26 paid. Such program shall be administered in accordance with such agree-
27 ment within the appropriations made available therefor.

28 S 11. The stipend increases and benefit modifications provided for by
29 this act for state employees in the collective negotiating unit desig-
30 nated as the state university graduate student negotiating unit in the
31 state university of New York established pursuant to article 14 of the
32 civil service law shall not be implemented until the director of employ-
33 ee relations has delivered to the director of the budget and the comp-
34 troller a letter certifying that there is in effect with respect to such
35 negotiating unit a collective negotiating agreement which provides for
36 such increases and modifications and which is ratified and fully
37 executed in writing with the state pursuant to article 14 of the civil
38 service law.

39 S 12. Date of entitlement to stipend increase. Notwithstanding the
40 provisions of this act or of any other provision of law to the contrary,
41 the stipend increase of any member of the collective negotiating unit
42 designated as the state university graduate student negotiating unit in
43 the state university of New York established pursuant to article 14 of
44 the civil service law, as provided by this act, shall be added to the
45 stipend of such member at the beginning of the payroll period the first
46 day of which is nearest to the effective date of such increase as
47 provided in this act, or at the beginning of the earlier of two payroll
48 periods the first days of which are nearest but equally near to the
49 effective date of such increase as provided in this act; provided,
50 however, that for the purposes of determining the stipend of such
51 employee upon reclassification, reallocation, appointment, promotion,
52 transfer, demotion, reinstatement or other change of status, such
53 stipend increase shall be deemed to be effective on the date thereof as
54 prescribed by this act, and the payment thereof pursuant to this section
55 on a date prior thereto, instead of on such effective date, shall not
56 operate to confer any additional compensation rights or benefits on such

1 employee. Payment of such stipend increase may be deferred pursuant to
2 section thirteen of this act.

3 S 13. Deferred payment of stipend increase. Notwithstanding the
4 provisions of this act, or of any other provision of law to the contra-
5 ry, pending payment of stipends pursuant to this act for incumbents of
6 positions subject to this act, such incumbents shall receive, as partial
7 compensation for services rendered, the stipends otherwise payable in
8 their respective positions. An incumbent holding a position subject to
9 this act at any time during the period from July 2, 2007, until the time
10 when stipend increases are first paid pursuant to this act for such
11 services in excess of the compensation actually received therefor, shall
12 be entitled to a lump sum payment for the difference between the stipend
13 to which such incumbent is entitled for such service and the stipend
14 actually received therefor. Such lump sum payment shall be made as soon
15 as practicable.

16 S 14. Use of appropriations. Notwithstanding any provision of the
17 state finance law or any other provision of law to the contrary, the
18 state comptroller is authorized to pay any amounts required by the fore-
19 going provisions of this act. To the extent that existing appropriations
20 available to any state department or agency in any fund are insufficient
21 to accomplish the purposes set forth in this section, the director of
22 the budget is authorized to allocate to the various departments and
23 agencies, from any appropriations available in any fund, the amounts
24 necessary to make such payments. Any appropriations or other funds
25 available to any state department or agency for personal service or for
26 other related employee benefits during the fiscal year commencing April
27 1, 2011 shall be available for the payment of any liabilities or obli-
28 gations incurred pursuant to the foregoing provisions of this act,
29 whether occurring prior to or during the state fiscal year commencing
30 April 1, 2011.

31 S 15. Appropriations. Notwithstanding any provision of the state
32 finance law or any other provision of law to the contrary, the several
33 amounts as hereinafter set forth in this section are hereby appropriated
34 from the funds so designated for use by any state department or agency
35 for the fiscal year beginning April 1, 2011 to supplement appropriations
36 from each respective fund available for personal service, other than
37 personal service and fringe benefits, and to carry out the provisions of
38 this act. Moreover, the amounts appropriated as non-personal service may
39 be suballocated to any state department or agency as needed. The monies
40 hereby appropriated are available for payment of any liabilities or
41 obligations incurred prior to or during the state fiscal year commencing
42 April 1, 2011 in addition to liabilities or obligations associated with
43 the state fiscal year commencing April 1, 2009. For this purpose, these
44 appropriations shall remain in full force and effect for the payment of
45 liabilities incurred on or before April 1, 2011. No money shall be
46 available for expenditure from this appropriation until a certification
47 of approval has been issued by the director such certificate or any
48 amendment thereto has been filed with the state comptroller, the chair-
49 person of the senate finance committee, and the chairperson of the
50 assembly ways and means committee.

51 ALL STATE DEPARTMENTS AND AGENCIES

52 General Fund - State Purposes Account

1 PERSONAL SERVICE

2 Personal Service 10,312,000

3 MAINTENANCE UNDISTRIBUTED

4 Fringe Benefits 892,000

5 Doctoral Program Recruitment and Retention

6 Enhancement Fund 1,312,000

7 Comprehensive College Graduate Program

8 Recruitment and Retention Fund 383,000

9 Fee Mitigation Fund 1,133,000

10 Downstate Location Fund 688,000

11 Family Benefits Program 164,000

12 Statewide Professional Development Committee ... 328,000

13 Employee Assistance Program 22,000

14 Special Revenue Funds - Other

15 State University Income Fund - 345

16 Personal Service 1,224,000

17 Non-Personal Service 606,000

18 Miscellaneous Special Revenue Fund - 339

19 Personal Service 87,000

20 Non-Personal Service 44,000

21 Combined Expendable Trust Fund - 020

22 Personal Service 1,000

23 Special Revenue Funds - Federal

24 Federal Education Fund - 267

25 Personal Service 5,000

26 Non-Personal Service 3,000

27 S 16. This act shall take effect immediately and shall be deemed to

28 have been in full force and effect on and after July 2, 2007.