

S. 5846

A. 8513

2011-2012 Regular Sessions

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

June 22, 2011

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 and the state finance law, in
relation to compensation and other terms and conditions of employment
of certain state officers and employees, to authorize funding of joint
labor-management committees, to implement agreements between the state
and an employee organization; to amend chapter 333 of the laws of 1969
amending the civil service law and other laws relating to salary
increases for certain state officers and employees, in relation to
rates of pay for certain state employees; to repeal certain provisions
of the civil service law relating thereto; and making an appropriation
for the purpose of effectuating certain provisions hereof (Part A); to
amend the civil service law and the correction law, in relation to
salaries; to repeal certain provisions of such laws relating thereto;
and making an appropriation for the purpose of effectuating certain
provisions hereof (Part B)

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

1 Section 1. This act enacts into law legislation necessary to implement
2 collective bargaining agreements, to make changes to an existing collec-
3 tive bargaining agreement, and to implement changes to salary and bene-
4 fits for certain state officers and employees excluded from collective
5 negotiating units. Each component is wholly contained within a Part
6 identified as Parts A through B. The effective date for each particular
7 provision contained within such Part is set forth in the last section of
8 such Part. Any provision in any section contained within a Part, includ-
9 ing the effective date of the Part, which makes reference to a section

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

LBD12077-02-1

"of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section two of this act sets forth the general severability clause applying to this act. Section three of this act sets forth the general effective date of this act.

PART A

COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE STATE OF NEW YORK AND THE CIVIL SERVICE
EMPLOYEES ASSOCIATION, INC. FOR 2011-2016

Section 1. Subparagraphs 1, 2, 3 and 4 of paragraph a of subdivision 1 of section 130 of the civil service law are REPEALED and three new subparagraphs 1, 2 and 3 are added to read as follows:

(1) 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:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	22041	22785	23529	24273	25017	25761	26505	27249	744
2	22883	23663	24443	25223	26003	26783	27563	28343	780
3	24025	24840	25655	26470	27285	28100	28915	29730	815
4	25074	25937	26800	27663	28526	29389	30252	31115	863
5	26274	27178	28082	28986	29890	30794	31698	32602	904
6	27744	28683	29622	30561	31500	32439	33378	34317	939
7	29278	30263	31248	32233	33218	34203	35188	36173	985
8	30928	31951	32974	33997	35020	36043	37066	38089	1023
9	32653	33722	34791	35860	36929	37998	39067	40136	1069
10	34521	35642	36763	37884	39005	40126	41247	42368	1121
11	36523	37700	38877	40054	41231	42408	43585	44762	1177
12	38612	39830	41048	42266	43484	44702	45920	47138	1218
13	40903	42177	43451	44725	45999	47273	48547	49821	1274
14	43270	44596	45922	47248	48574	49900	51226	52552	1326
15	45781	47163	48545	49927	51309	52691	54073	55455	1382
16	48346	49792	51238	52684	54130	55576	57022	58468	1446
17	51067	52595	54123	55651	57179	58707	60235	61763	1528
18	54018	55614	57210	58806	60402	61998	63594	65190	1596
19	56912	58587	60262	61937	63612	65287	66962	68637	1675
20	59889	61630	63371	65112	66853	68594	70335	72076	1741
21	63101	64924	66747	68570	70393	72216	74039	75862	1823
22	66484	68389	70294	72199	74104	76009	77914	79819	1905
23	70038	72026	74014	76002	77990	79978	81966	83954	1988
24	73850	75908	77966	80024	82082	84140	86198	88256	2058
25	77931	80080	82229	84378	86527	88676	90825	92974	2149

(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:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	22482	23241	24000	24759	25518	26277	27036	27795	759
2	23341	24137	24933	25729	26525	27321	28117	28913	796
3	24506	25337	26168	26999	27830	28661	29492	30323	831
4	25575	26455	27335	28215	29095	29975	30855	31735	880
5	26799	27721	28643	29565	30487	31409	32331	33253	922
6	28299	29257	30215	31173	32131	33089	34047	35005	958

1	7	29864	30869	31874	32879	33884	34889	35894	36899	1005
2	8	31547	32590	33633	34676	35719	36762	37805	38848	1043
3	9	33306	34396	35486	36576	37666	38756	39846	40936	1090
4	10	35211	36354	37497	38640	39783	40926	42069	43212	1143
5	11	37253	38454	39655	40856	42057	43258	44459	45660	1201
6	12	39384	40626	41868	43110	44352	45594	46836	48078	1242
7	13	41721	43020	44319	45618	46917	48216	49515	50814	1299
8	14	44135	45488	46841	48194	49547	50900	52253	53606	1353
9	15	46697	48107	49517	50927	52337	53747	55157	56567	1410
10	16	49313	50788	52263	53738	55213	56688	58163	59638	1475
11	17	52088	53647	55206	56765	58324	59883	61442	63001	1559
12	18	55098	56726	58354	59982	61610	63238	64866	66494	1628
13	19	58050	59759	61468	63177	64886	66595	68304	70013	1709
14	20	61087	62863	64639	66415	68191	69967	71743	73519	1776
15	21	64363	66222	68081	69940	71799	73658	75517	77376	1859
16	22	67814	69757	71700	73643	75586	77529	79472	81415	1943
17	23	71439	73467	75495	77523	79551	81579	83607	85635	2028
18	24	75327	77426	79525	81624	83723	85822	87921	90020	2099
19	25	79490	81682	83874	86066	88258	90450	92642	94834	2192

20 (3) EFFECTIVE MARCH TWENTY-SIX, TWO THOUSAND FIFTEEN FOR OFFICERS AND
 21 EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE APRIL TWO, TWO
 22 THOUSAND FIFTEEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

23	SG	HR	STEP	STEP	STEP	STEP	STEP	STEP	JR	INCR
24			1	2	3	4	5	6		
25	1	22932	23706	24480	25254	26028	26802	27576	28350	774
26	2	23808	24620	25432	26244	27056	27868	28680	29492	812
27	3	24996	25844	26692	27540	28388	29236	30084	30932	848
28	4	26087	26985	27883	28781	29679	30577	31475	32373	898
29	5	27335	28275	29215	30155	31095	32035	32975	33915	940
30	6	28865	29842	30819	31796	32773	33750	34727	35704	977
31	7	30461	31486	32511	33536	34561	35586	36611	37636	1025
32	8	32178	33242	34306	35370	36434	37498	38562	39626	1064
33	9	33972	35084	36196	37308	38420	39532	40644	41756	1112
34	10	35915	37081	38247	39413	40579	41745	42911	44077	1166
35	11	37998	39223	40448	41673	42898	44123	45348	46573	1225
36	12	40172	41439	42706	43973	45240	46507	47774	49041	1267
37	13	42555	43880	45205	46530	47855	49180	50505	51830	1325
38	14	45018	46398	47778	49158	50538	51918	53298	54678	1380
39	15	47631	49069	50507	51945	53383	54821	56259	57697	1438
40	16	50299	51804	53309	54814	56319	57824	59329	60834	1505
41	17	53130	54720	56310	57900	59490	61080	62670	64260	1590
42	18	56200	57861	59522	61183	62844	64505	66166	67827	1661
43	19	59211	60954	62697	64440	66183	67926	69669	71412	1743
44	20	62309	64120	65931	67742	69553	71364	73175	74986	1811
45	21	65650	67546	69442	71338	73234	75130	77026	78922	1896
46	22	69170	71152	73134	75116	77098	79080	81062	83044	1982
47	23	72868	74937	77006	79075	81144	83213	85282	87351	2069
48	24	76834	78975	81116	83257	85398	87539	89680	91821	2141
49	25	81080	83316	85552	87788	90024	92260	94496	96732	2236

50 S 2. Subdivision 8 of section 167 of the civil service law, as added by
 51 chapter 442 of the laws of 1999, is amended to read as follows:

52 8. Notwithstanding any inconsistent provision of law, where and to the
 53 extent that an agreement between the state and an employee organization
 54 entered into pursuant to article fourteen of this chapter so provides,
 55 the state cost of premium or subscription charges for eligible employees
 56 covered by such agreement may be [increased] MODIFIED pursuant to the

1 terms of such agreement [and for a duration provided by such agreement
2 and pursuant to rules and regulations as may be established by the presi-
3 dent. Such increase in state cost shall only apply during the period of
4 eligibility provided by such agreement and shall not be applied during
5 retirement]. THE PRESIDENT, WITH THE APPROVAL OF THE DIRECTOR OF THE
6 BUDGET, MAY EXTEND THE MODIFIED STATE COST OF PREMIUM OR SUBSCRIPTION
7 CHARGES FOR EMPLOYEES OR RETIREES NOT SUBJECT TO AN AGREEMENT REFERENCED
8 ABOVE AND SHALL PROMULGATE THE NECESSARY RULES OR REGULATIONS TO IMPLE-
9 MENT THIS PROVISION.

10 S 3. Subdivision 2 of section 208 of the civil service law, as amended
11 by section 3 of part A of chapter 10 of the laws of 2008, is amended to
12 read as follows:

13 2. An employee organization certified or recognized pursuant to this
14 article shall be entitled to unchallenged representation status until
15 seven months prior to the expiration of a written agreement between the
16 public employer and said employee organization determining terms and
17 conditions of employment. For the purposes of this subdivision, (a) any
18 such agreement for a term covering other than the fiscal year of the
19 public employer shall be deemed to expire with the fiscal year ending
20 immediately prior to the termination date of such agreement, (b) any such
21 agreement having a term in excess of three years shall be treated as an
22 agreement for a term of three years, provided, however, any such agree-
23 ment between the state and an employee organization representing employ-
24 ees in the executive or judicial branches which commences in the calendar
25 year two thousand [seven] ELEVEN having a term in excess of three years
26 shall be treated as an agreement for a term certain specified in such
27 agreement but in no event for a term greater than four years, AND (c)
28 extensions of any such agreement shall not extend the period of unchal-
29 lenged representation status[, and (d) notwithstanding any provision of
30 law to the contrary, the interest arbitration award issued pursuant to
31 the provisions of paragraph (e) of subdivision four of section two
32 hundred nine of this article binding the executive branch of the state of
33 New York and the employee organization which represents the collective
34 negotiating unit consisting of troopers and the unit consisting of
35 commissioned and non-commissioned officers in the division of state
36 police, covering a period commencing April first, nineteen hundred nine-
37 ty-nine, shall be treated as a written agreement for the term specified
38 in such award solely for the representation purposes of this section].

39 S 4. Paragraph (e) of subdivision 3 of section 130 of the civil service
40 law, as amended by section 4 of part A of chapter 10 of the laws of 2008,
41 is amended to read as follows:

42 (e) [(i) Prior to April first, two thousand ten, and notwithstanding
43 any inconsistent provision of law, officers and employees to whom para-
44 graph a of subdivision one of this section applies who, on or after April
45 first, nineteen hundred eighty-seven, on their anniversary date have five
46 or more years of continuous service as defined by paragraph (c) of this
47 subdivision at a basic annual salary rate equal to or in excess of the
48 job rate or maximum salary of their salary grade, but below the first
49 longevity step and whose performance for the most recent rating period
50 was rated at least "satisfactory" or its equivalent, shall have their
51 basic annual salary increased to the first longevity step or shall have
52 their basic annual salary as otherwise effective increased by seven
53 hundred fifty dollars, or by eight hundred seventy-five dollars on or
54 after April first, two thousand seven; or by one thousand dollars on or
55 after April first, two thousand eight; or by one thousand one hundred
56 twenty-five dollars on or after April first, two thousand nine or as much

1 of that amount as will not result in the new basic annual salary exceed-
2 ing the step two longevity step. Notwithstanding any inconsistent
3 provision of law, officers and employees to whom paragraph a of subdivi-
4 sion one of this section apply who, on or after April first, nineteen
5 hundred eighty-seven, on their anniversary date have ten or more years of
6 continuous service as defined by paragraph (c) of this subdivision at a
7 basic annual salary rate equal to or in excess of the job rate or maximum
8 salary of their salary grade, but below the second longevity step and
9 whose performance for the most recent rating period was rated at least
10 "satisfactory" or its equivalent, shall have their basic annual salary
11 increased to the second longevity step as found in paragraph a of subdi-
12 vision one of this section. Such increases to longevity steps by eligible
13 officers or employees shall become effective on the first day of the
14 payroll period which next begins following the anniversary date which
15 satisfies the prescribed service requirements. For the purposes of this
16 paragraph the term continuous service as defined by paragraph (c) of this
17 subdivision for employees in the division of military and naval affairs
18 unit shall refer to uninterrupted service in the civilian service of the
19 division of military and naval affairs.

20 (ii) Officers] WHERE, AND TO THE EXTENT THAT, AN AGREEMENT BETWEEN THE
21 STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOUR-
22 TEEN OF THIS CHAPTER ON BEHALF OF OFFICERS AND EMPLOYEES SERVING IN POSI-
23 TIONS IN THE ADMINISTRATIVE SERVICES UNIT, INSTITUTIONAL SERVICES UNIT,
24 OPERATIONAL SERVICES UNIT OR MILITARY AND NAVAL AFFAIRS UNIT SO PROVIDES
25 OFFICERS and employees to whom paragraph a of subdivision one of this
26 section applies who, on or after April first, two thousand [ten] ELEVEN,
27 on their anniversary date have five or more years, BUT LESS THAN TEN
28 YEARS, of continuous service as defined by paragraph (c) of this subdivi-
29 sion at a basic annual salary rate equal to or in excess of the job rate
30 or maximum salary of their salary grade, shall receive a lump sum payment
31 in the amount of one thousand two hundred fifty dollars. [Officers]
32 WHERE, AND TO THE EXTENT THAT, AN AGREEMENT BETWEEN THE STATE AND AN
33 EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THIS
34 CHAPTER ON BEHALF OF OFFICERS AND EMPLOYEES SERVING IN POSITIONS IN THE
35 ADMINISTRATIVE SERVICES UNIT, INSTITUTIONAL SERVICES UNIT, OPERATIONAL
36 SERVICES UNIT OR MILITARY AND NAVAL AFFAIRS UNIT SO PROVIDES OFFICERS and
37 employees to whom paragraph a of subdivision one of this section applies
38 who, on or after April first, two thousand [ten] ELEVEN, on their anni-
39 versary date have ten or more years of continuous service as defined by
40 paragraph (c) of this subdivision at a basic annual salary rate equal to
41 or in excess of the job rate or maximum salary of their salary grade
42 shall receive a lump sum payment in the amount of two thousand five
43 hundred dollars.

44 Such lump sum payment shall be in addition to and not part of the
45 employee's basic annual salary, provided however that any amount payable
46 by this paragraph shall be included as compensation for overtime and
47 retirement purposes.

48 Such lump sum payment shall be payable in April of each fiscal year, or
49 as soon as practicable thereafter, for those eligible employees who have
50 achieved five or more, or ten or more years of continuous service as
51 defined by paragraph (c) of this subdivision at a basic annual salary
52 rate equal to or in excess of the job rate or maximum salary of their
53 salary grade during the period October first through March thirty-first
54 of the previous fiscal year. Such payment shall be payable in October of
55 each fiscal year, or as soon as practicable thereafter, for those eligi-
56 ble employees who have achieved five or more, or ten or more years of

1 continuous service as defined by paragraph (c) of this subdivision at a
2 basic annual salary rate equal to or in excess of the job rate or maximum
3 salary of their salary grade during the period April first through
4 September thirtieth of that same fiscal year. [All compensation already
5 included in an employee's basic annual salary pursuant to subparagraph
6 (i) of this paragraph shall remain included in such basic annual salary.]

7 S 5. Subdivision 12-d of section 8 of the state finance law, as amended
8 by section 5 of part A of chapter 10 of the laws of 2008, is amended to
9 read as follows:

10 12-d. Notwithstanding any inconsistent provision of the court of claims
11 act, examine, audit and certify for payment any claim submitted and
12 approved by the head of a state department or agency, other than a
13 department or agency specified in subdivision twelve of this section, for
14 personal property of an employee damaged or destroyed in the course of
15 the performance of official duties without fault on his part by an
16 inmate, patient or client of such department or agency after March thir-
17 ty-first, two thousand [seven] ELEVEN and prior to April first, two thou-
18 sand [eleven] SIXTEEN, provided no such claim may be certified for
19 payment to an officer or employee who is in a collective negotiating unit
20 until the director of employee relations shall deliver to the comptroller
21 a [certificate] LETTER that there is in effect with respect to such nego-
22 tiating unit a written collectively negotiated agreement with the state
23 pursuant to article fourteen of the civil service law which provides
24 therefor. Payment of any such claim shall not exceed the sum of three
25 hundred dollars. No person submitting a claim under this subdivision
26 shall have any claim for damages to such personal property approved
27 pursuant to the provision of subdivision four of section five hundred
28 thirty of the labor law or any other applicable provision of law.

29 S 6. Subdivision 12-e of section 8 of the state finance law, as amended
30 by section 6 of part A of chapter 10 of the laws of 2008, is amended to
31 read as follows:

32 12-e. Notwithstanding any inconsistent provision of the court of claims
33 act, where, and to the extent that, an agreement between the state and an
34 employee organization entered into pursuant to article fourteen of the
35 civil service law on behalf of officers and employees serving in posi-
36 tions in the professional, scientific and technical services unit, admin-
37 istrative services unit, institutional services unit, operational
38 services UNIT OR and military and naval affairs unit so provides, exam-
39 ine, audit and certify for payment any claim submitted and approved by
40 the head of a state department or agency for personal property of an
41 officer or employee damaged or destroyed in the actual performance of
42 official duties without fault or negligence of the officer or employee
43 other than a claim specified and covered by subdivision twelve or
44 twelve-d of this section after March thirty-first, two thousand [seven]
45 ELEVEN and before April first, two thousand [eleven] SIXTEEN. Payment of
46 such claim shall not exceed the sum of three hundred fifty dollars. Where
47 an agreement between the state and such employee organization entered
48 into pursuant to article fourteen of the civil service law provides for
49 payment to be made to officers and employees by a state department or
50 agency, such payments for claims not in excess of the amount specified in
51 subdivision three of section one hundred fifteen of this chapter may be
52 made from a petty cash account established pursuant to section one
53 hundred fifteen of this chapter and in the manner prescribed therein and
54 pursuant to regulations of the comptroller. No person submitting a claim
55 under this subdivision shall have any claim for damages to such personal
56 property approved pursuant to the provisions of subdivision four of

1 section five hundred thirty of the labor law or any other applicable
2 provision of law.

3 S 7. Section 200 of the state finance law is amended by adding a new
4 subdivision 5 to read as follows:

5 5. NOTWITHSTANDING ANY LAW TO THE CONTRARY, BY AGREEMENT BETWEEN THE
6 STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOUR-
7 TEEN OF THE CIVIL SERVICE LAW, OR BY AN INTEREST ARBITRATION AWARD BIND-
8 ING THE STATE AND AN EMPLOYEE ORGANIZATION PURSUANT TO ARTICLE FOURTEEN
9 OF THE CIVIL SERVICE LAW, OR BY THE DIRECTOR OF BUDGET FOR STATE OFFICERS
10 AND EMPLOYEES IN THE EXECUTIVE BRANCH WHO ARE IN POSITIONS WHICH ARE NOT
11 IN COLLECTIVE NEGOTIATING UNITS, PLANS MAY BE ESTABLISHED TO REDUCE THE
12 BASIC ANNUAL SALARY, HOURLY RATE OR PER DIEM FOR ANY EMPLOYEE WITHIN THE
13 PURVIEW OF SUCH AGREEMENT, INTEREST ARBITRATION AWARD, OR THE BUDGET
14 DIRECTOR'S AUTHORITY. ANY PLAN OR PLANS ESTABLISHED UNDER THIS SECTION
15 WILL BE IMPLEMENTED WHEN THE BUDGET DIRECTOR NOTIFIES THE DIRECTOR OF THE
16 GOVERNOR'S OFFICE OF EMPLOYEE RELATIONS AND DELIVERS SUCH PLAN OR PLANS
17 TO THE COMPTROLLER, AT WHICH POINT THE COMPTROLLER WILL TAKE THE NECES-
18 SARY ACTIONS TO REDUCE, RESTORE, OR REPAY COMPENSATION, PROVIDED HOWEVER,
19 THAT THE COMPTROLLER MUST TAKE SUCH ACTIONS WHOLLY WITHIN THE FISCAL YEAR
20 THAT SUCH PLAN REQUIRES. AFTER THE CESSATION OF SUCH PLAN, THE COMP-
21 TROLLER SHALL RESTORE SUCH SALARY, HOURLY RATE OR PER DIEM TO THE AMOUNT
22 IN EFFECT IMMEDIATELY BEFORE THE COMMENCEMENT OF SUCH PLAN.

23 S 8. Subdivision 1 of section 135 of the civil service law is amended
24 adding a new paragraph (d) to read as follows:

25 (D) PAYMENTS MADE PURSUANT TO A COLLECTIVE BARGAINING AGREEMENT NEGOTI-
26 ATED PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER OR REGULATIONS PROMUL-
27 GATED BY THE PRESIDENT PURSUANT TO SUBDIVISION THREE OF SECTION ONE
28 HUNDRED SIXTY-THREE OF THIS CHAPTER PERMITTING PAYMENT TO AN EMPLOYEE OR
29 OFFICER IN EXCHANGE FOR THE EMPLOYEE'S ELECTION TO WITHDRAW FROM THE
30 HEALTH INSURANCE PLAN ESTABLISHED PURSUANT TO ARTICLE ELEVEN OF THIS
31 CHAPTER. SUCH PAYMENTS SHALL NOT BE CONSIDERED PART OF AN EMPLOYEE'S
32 BASIC ANNUAL SALARY AND SHALL NOT BE CONSIDERED COMPENSATION FOR THE
33 PURPOSES OF OVERTIME CALCULATION OR RETIREMENT.

34 S 9. Compensation for certain state officers and employees in collec-
35 tive negotiating units. 1. The provisions of this section shall apply,
36 except as otherwise stated in this section, to all full-time officers and
37 employees in the collective negotiating units designated as the adminis-
38 trative services unit, the institutional services unit, the operational
39 services unit, or the division of military and naval affairs unit estab-
40 lished pursuant to article 14 of the civil service law.

41 2. (a) Effective March 28, 2013 for officers and employees on the
42 administrative payroll and effective April 4, 2013 for officers and
43 employees on the institutional payroll pursuant to article 14 of the
44 civil service law a lump sum payment of \$775 shall be made to each
45 employee in such units in full-time annual salaried employment status who
46 was (i) active on the date of ratification of the agreement between the
47 state and the negotiating unit covering such employee and (ii) in contin-
48 uous service, as defined by paragraph (c) of subdivision 3 of section 130
49 of the civil service law, from that date until March 28, 2013 for offi-
50 cers and employees on the administrative payroll and on April 4, 2013 for
51 officers and employees on the institutional payroll. Such lump sum shall
52 be considered salary for final average salary retirement purposes but
53 shall not become part of basic annual salary. Notwithstanding the forego-
54 ing provisions of this subdivision, officers and employees who would have
55 otherwise been eligible to receive such lump sum payment, but who were
56 not on the payroll on such date, shall be eligible for said payment if

1 they return to full-time employment status during the fiscal year
2 2013-2014 without a break in continuous service.

3 (b) Effective March 27, 2014 for officers and employees on the adminis-
4 trative payroll and effective April 3, 2014 for officers and employees on
5 the institutional payroll pursuant to article 14 of the civil service law
6 a lump sum payment of \$225 shall be made to each employee in such units
7 in full-time annual salaried employment status who was (i) active on the
8 date of ratification of the agreement between the state and the negotiat-
9 ing unit covering such employee and (ii) in continuous service, as
10 defined by paragraph (c) of subdivision 3 of section 130 of the civil
11 service law, from that date until March 28, 2013 for officers and employ-
12 ees on the administrative payroll and April 4, 2013 for officers and
13 employees on the institutional payroll. Such lump sum shall be considered
14 salary for final average salary retirement purposes but shall not become
15 part of basic annual salary.

16 3. Effective March 27, 2014 for officers and employees on the adminis-
17 trative payroll and effective April 3, 2014 for officers and employees on
18 the institutional payroll, the basic annual salary of officers and
19 employees in full-time annual salaried employment status on the day
20 before such payroll period shall be increased by two percent adjusted to
21 the nearest whole dollar amount.

22 4. Effective March 26, 2015 for officers and employees on the adminis-
23 trative payroll and effective April 2, 2015 for officers and employees on
24 the institutional payroll, the basic annual salary of officers and
25 employees in full-time annual salaried employment status on the day
26 before such payroll period shall be increased by two percent adjusted to
27 the nearest whole dollar amount.

28 5. Notwithstanding the provisions of subdivisions three and four of
29 this section, if the basic annual salary of an officer or employee to
30 whom the provisions of this section apply is identical with the hiring
31 rate, step one, two, three, four, five, six or job rate of the salary
32 grade of his or her position on the effective dates of the increases
33 provided in these subdivisions, such basic annual salary shall be
34 increased to the hiring rate, step one, two, three, four, five, six or
35 job rate, respectively, of such salary grade as contained in the appro-
36 priate salary schedules in subparagraphs 2 and 3 of paragraph a of subdi-
37 vision 1 of section 130 of the civil service law, as added by section one
38 of this act, to take effect on the dates provided in subparagraphs 2 and
39 3, respectively. The increases in basic annual salary provided by this
40 subdivision shall be in lieu of any increase in basic annual salary
41 provided for in subdivisions three and four of this section.

42 6. Payments pursuant to the provisions of subdivision 6 of section 131
43 of the civil service law for full-time annual salaried officers and
44 employees entitled to such payments to whom the provisions of this
45 section apply shall be payable in accordance with the terms of an agree-
46 ment reached pursuant to article 14 of the civil service law between the
47 state and an employee organization representing employees subject to the
48 provisions of this section.

49 7. If an unencumbered position is one which if encumbered, would be
50 subject to the provisions of this section, the salary of such position
51 shall be increased by the salary increase amounts specified in this
52 section. If a position is created, and filled by the appointment of an
53 officer or employee who is subject to the provisions of this section, the
54 salary otherwise provided for such position shall be increased in the
55 same manner as though such position had been in existence but unencum-
56 bered.

1 8. The increases in salary provided in subdivisions three and four of
2 this section, and also the payments provided in subdivision two of this
3 section, shall apply on a prorated basis to officers and employees,
4 otherwise eligible to receive an increase in salary, who are paid on an
5 hourly or per diem basis, employees serving on a part-time or seasonal
6 basis and employees paid on any basis other than at an annual salary
7 rate. Notwithstanding the foregoing, the provisions of subdivision six of
8 this section shall not apply to employees serving on an hourly, per diem,
9 or seasonal basis, except as determined by the director of the budget.

10 9. In order to provide for the officers and employees to whom this
11 section applies who are not allocated to salary grades, but are paid on
12 an annual basis, increases and payments pursuant to subdivision six of
13 this section in proportion to those provided to persons to whom this
14 section applies who are allocated to salary grades, the director of the
15 budget is authorized to add appropriate adjustments and/or payments to
16 the compensation which such officers and employees are otherwise entitled
17 to receive. The director of the budget shall issue certificates which
18 shall contain schedules of positions and the salaries and/or payments
19 thereof for which adjustments and/or payments are made pursuant to the
20 provisions of this subdivision, and a copy of each such certificate shall
21 be filed with the state comptroller, the state department of civil
22 service, the chairman of the senate finance committee and the chairman of
23 the assembly ways and means committee.

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

27 11. Notwithstanding any other provision of this section, any increase
28 in compensation for any officer or employee appointed to a lower graded
29 position from a redeployment list pursuant to subdivision 1 of section 79
30 of the civil service law who continues to receive his or her former sala-
31 ry pursuant to such subdivision shall be determined on the basis of such
32 lower graded position provided, however, that the increases in salary
33 provided in this section shall not cause such officer's or employee's
34 salary to exceed the job rate of such lower graded position.

35 12. Notwithstanding any of the foregoing provisions of this section or
36 of any law to the contrary, the director of the budget may reduce the
37 salary of any position which is vacant or which becomes vacant, so long
38 as the position, if encumbered, would be subject to the provisions of
39 this section. The director of the budget does not need to provide a
40 reason for such reduction.

41 13. Notwithstanding any of the foregoing provisions of this section or
42 of any law to the contrary, any increase in compensation may be withheld
43 in whole or in part from any employee to whom the provisions of this
44 section are applicable when, in the opinion of the director of the budget
45 and the director of employee relations, such increase is not warranted or
46 is not appropriate for any reason.

47 S 10. Compensation for certain employees of the contract colleges at
48 Cornell and Alfred universities. 1. During the period April 1, 2011 to
49 March 31, 2016, the basic annual salaries of positions in the nonprofes-
50 sional service, except those positions in the Cornell service and mainte-
51 nance unit which are subject to the terms of a collective bargaining
52 agreement between Cornell University and the employee organization
53 representing employees in such positions and except those positions in
54 the Alfred service and maintenance unit which are subject to the terms of
55 a collective bargaining agreement between Alfred University and the
56 employee organization representing employees in such positions, in insti-

1 tutions under the management and control of Cornell and Alfred universi-
2 ties as representatives of the board of trustees of the state university
3 may be increased pursuant to plans approved by the state university trus-
4 tees. Such plans may include new salary schedules which shall supersede
5 the salary schedules then in effect applicable to such employees. Such
6 increases in basic annual salary rates, exclusive of performance advance-
7 ment payments or merit recognition payments, shall not exceed in the
8 aggregate the payments provided in subdivisions two, three, and four of
9 section nine of this act, for incumbents of positions subject to this
10 subdivision. Such plans may provide, within the appropriations available
11 therefor, an amount for distribution in whole or in part for meritorious
12 service by Cornell and Alfred universities, in their discretion, with the
13 approval of the state university trustees to the incumbents of such posi-
14 tions.

15 2. For the purposes of this section, the basic annual salary of employ-
16 ees is that salary which is obtained through direct appropriation of
17 state moneys for the purpose of paying wages. Nothing in this section
18 shall prevent payment of additional amounts to incumbents of such posi-
19 tions in the nonprofessional service in addition to the basic annual
20 salary; provided, however, that the amounts required for such additional
21 payment, and the cost of fringe benefits attributable to such payment, as
22 determined by the comptroller, are made available to the state in accord-
23 ance with the procedures established by the state university for such
24 purposes.

25 3. Notwithstanding the foregoing provisions of this section, any
26 increase in compensation provided by this section may be withheld in
27 whole or in part from any officer or employee when, in the opinion of the
28 director of the budget, such withholding is necessary to reflect the job
29 performance of such officer or employee, or to maintain appropriate sala-
30 ry relationships among officers or employees of the state, or to reduce
31 state expenditures to acceptable levels, or when such increase is not
32 warranted or is not appropriate for any reason and the salary of such
33 officer or employee is set at the discretion of the appointing authority.

34 4. Notwithstanding the foregoing provisions of this subdivision or act
35 or any other provision of law, rule or regulation to the contrary, the
36 contract colleges at Cornell and Alfred universities are authorized to
37 provide for a procedure for the repayment of salaries withheld from
38 incumbents of positions subject to this subdivision as described in
39 subdivision one of this section, pursuant to subdivision 2-a of section
40 200 of the state finance law in lieu of the lump sum payment authorized
41 by subparagraph 3 of paragraph (a) of subdivision 2-a of section 200 of
42 the state finance law, subject to the approval of the state university
43 trustees. Further, Cornell and Alfred universities are authorized to
44 provide that the salary of employees newly hired on or after September 1,
45 1992 shall not be subject to the provisions of subdivision 2-a of section
46 200 of the state finance law.

47 S 11. Location compensation for certain state officers and employees in
48 collective negotiating units. Notwithstanding any inconsistent
49 provisions of law, full-time annual salaried officers and employees, as
50 well as non-annual salaried seasonal officers and employees who shall
51 receive the compensation provided for pursuant to this section on a pro-
52 rated basis, except non-annual salaried officers and employees who are
53 not seasonal, in the collective negotiating units designated as the
54 administrative services unit, the institutional services unit, the opera-
55 tional services unit, or the division of military and naval affairs unit
56 established pursuant to article 14 of the civil service law, whose prin-

1 cipal place of employment or, in the case of a field employee, whose
2 official station as determined in accordance with the regulations of the
3 comptroller is located (1) in the county of Monroe and who were eligible
4 to receive location pay on March 31, 1985, shall receive location pay at
5 the rate of \$200 per year provided they continue to be otherwise eligible
6 or (2) in the city of New York, or in the county of Rockland, Westches-
7 ter, Nassau or Suffolk shall, effective April 1, 2011, continue to
8 receive a downstate adjustment at the annual rate of \$3,026 (3) in the
9 county of Dutchess, Putnam or Orange shall, effective April 1, 2011,
10 continue to receive a mid-Hudson adjustment at the annual rate of \$1,513.
11 Such location payments shall be in addition to and shall not be a part of
12 an officer's or employee's basic annual salary, and shall not affect or
13 impair any performance advancements or other rights or benefits to which
14 an officer or employee may be entitled by law, provided, however, that
15 location payments shall be included as compensation for purposes of
16 computation of overtime pay and for retirement purposes. For the sole
17 purpose of continuing eligibility for location pay in Monroe county, an
18 officer or employee previously eligible to receive location pay on March
19 31, 1985 who is on an approved leave of absence or participates in an
20 employer program to reduce to part-time service during summer months
21 shall continue to be eligible for said location pay upon return to full-
22 time state service in Monroe county.

23 S 12. Continuation of location compensation for certain officers and
24 employees of the Hudson Valley developmental disabilities services
25 office. 1. Notwithstanding any law, rule or regulation to the contrary,
26 any officer or employee of the Hudson Valley developmental disabilities
27 services office represented in the collective negotiating units desig-
28 nated as the administrative services unit, the institutional services
29 unit or the operational services unit, who is receiving location pay
30 pursuant to section 5 of chapter 174 of the laws of 1993 shall continue
31 to receive such location pay under the conditions and at the rates speci-
32 fied by such section.

33 2. Notwithstanding any law, rule or regulation to the contrary, any
34 officer or employee of the Hudson Valley developmental disabilities
35 services office represented in the collective negotiating units desig-
36 nated as the administrative services unit, the institutional services
37 negotiating unit or the operational services negotiating unit, who is
38 receiving location pay pursuant to subdivision 2 of section 9 of chapter
39 315 of the laws of 1995 shall continue to receive such location pay under
40 the conditions and at the rates specified by such subdivision.

41 3. Notwithstanding section eleven of this act or any other law, rule or
42 regulation to the contrary, any officer or employee of the Hudson Valley
43 developmental disabilities services office represented in the collective
44 negotiating units designated as the administrative services unit, the
45 institutional services unit or the operational services unit, who is
46 receiving location pay pursuant to such section eleven shall continue to
47 be eligible for such location pay if such officer's or employee's princi-
48 pal place of employment is changed to a location outside of the county of
49 Rockland as the result of a reduction or redeployment of staff, provided,
50 however, that such officer or employee is reassigned to or otherwise
51 appointed or promoted to a different position at another work location
52 within the Hudson Valley developmental disabilities services office
53 located outside of the county of Rockland. The rate of such continued
54 location pay shall not exceed the rates such officer or employee is
55 receiving on the date of such reassignment, appointment or promotion.

1 S 13. Notwithstanding any law, rule or regulation to the contrary,
2 certain full-time employees of the office for people with developmental
3 disabilities in the collective negotiating unit designated as the insti-
4 tutional services unit who are required to sleep over at their work site
5 shall continue to receive inconvenience pay pursuant to section 17 of
6 chapter 333 of the laws of 1969 as amended, in accordance with and
7 subject to the conditions established by the terms of a negotiated agree-
8 ment between the state and an employee organization representing such
9 unit and the resolution of a contract grievance bearing identification
10 number 98-04-448.

11 S 14. Additional compensation for certain employees in recognition of
12 pre-shift briefing. 1. In recognition of the general requirement for
13 full-time employees of the state in the collective negotiating unit
14 designated as the division of military and naval affairs unit, estab-
15 lished pursuant to article 14 of the civil service law, to assemble for
16 briefing prior to the commencement of duties, each such employee shall
17 receive additional compensation at the rate of \$60 per biweekly payroll
18 period in accordance with the terms of a collectively negotiated agree-
19 ment between the state and an employee organization representing such
20 employees pursuant to article 14 of the civil service law. Such addi-
21 tional compensation shall be paid in addition to and shall not be a part
22 of the employee's basic annual salary. Notwithstanding the foregoing
23 provisions of this section, or of any other law, such additional compen-
24 sation as added by this section shall be in lieu of the continuation of
25 any other additional compensation for such employees paid prior to June
26 2, 1988, in recognition of pre-shift briefing.

27 2. Notwithstanding any inconsistent provisions of law, effective April
28 1, 2011, where and to the extent that, an agreement between the state and
29 an employee organization entered into pursuant to article 14 of the civil
30 service law so provides, in recognition of the general requirement that
31 certain full-time employees of the state in the collective negotiating
32 unit designated as the institutional services unit, established pursuant
33 to article 14 of the civil service law, in the employ of the office of
34 children and family services, to assemble for briefing prior to the
35 commencement of duties, each such employee shall receive additional
36 compensation in the amount of \$4.80, or one-quarter hour of their over-
37 time rate, whichever is higher, when they are required to and actually
38 assemble for such briefing. Such additional compensation shall be paid in
39 addition to and shall not be a part of the employee's basic annual sala-
40 ry.

41 S 15. Assignment to duty pay. Notwithstanding any inconsistent
42 provisions of law, effective April 1, 2011, where and to the extent that,
43 an agreement between the state and an employee organization entered into
44 pursuant to article 14 of the civil service law so provides, an assign-
45 ment to duty lump sum shall be paid each year to an employee who is serv-
46 ing in a particular assignment deemed qualified pursuant to such agree-
47 ment. Such payment shall be in an amount negotiated for those employees
48 assigned to qualifying work assignments and who work such assignments for
49 the minimum periods of time in a year provided in the negotiated agree-
50 ment. Assignment to duty pay shall not be paid in any year an employee
51 does not meet the minimum period of time in such qualifying assignment
52 required by the agreement or upon cessation of the assignment to duty
53 program on March 30, 2016 unless an extension is negotiated by the
54 parties. Such lump sum shall be considered salary only for final average
55 salary retirement purposes.

1 S 16. Long term seasonal employees. Notwithstanding any inconsistent
2 provisions of law, effective April 1, 2011, where and to the extent that,
3 an agreement between the state and an employee organization entered into
4 pursuant to article 14 of the civil service law so provides, a lump sum
5 shall be paid each year to an employee who is serving in a qualifying
6 long term seasonal position. Such payment shall be in an amount negoti-
7 ated and pursuant to negotiated qualifying criteria and shall be consid-
8 ered salary only for final average salary retirement purposes. Such bene-
9 fit shall be available until March 30, 2016.

10 S 17. In recognition of the specific requirements for winter mainte-
11 nance activity for full-time employees of the state department of trans-
12 portation in the collective negotiating unit designated as the opera-
13 tional services unit, established pursuant to article 14 of the civil
14 service law, and to the extent the terms of a negotiated agreement
15 between the state and an employee organization representing such unit
16 entered into pursuant to article 14 of the civil service law so provides,
17 such employees shall receive payments for winter maintenance shifts and
18 call-out responses if otherwise eligible and in accordance with such
19 negotiated agreement.

20 S 18. Subdivision 2 of section 17 of chapter 333 of the laws of 1969
21 amending the civil service law and other laws relating to salary
22 increases for certain state officers and employees, as amended by chapter
23 214 of the laws of 2009, is amended to read as follows:

24 2. Any employee subject to this section who is required to work a tour
25 of duty which includes four or more hours between the hours of six p.m.
26 and six a.m., exclusive of any hours for which he or she receives over-
27 time compensation, shall be entitled to inconvenience pay for such tour
28 of duty in an amount equal to the daily rate equivalent of four hundred
29 dollars per year, unless a higher daily rate is authorized under the
30 terms of a collective negotiated agreement between the state and an
31 employee organization pursuant to article 14 of the civil service law, or
32 is authorized by the director of the budget for employees excluded from
33 negotiating rights under article 14 of the civil service law, in which
34 case such daily rate may be up to five hundred seventy-five dollars per
35 year, SHALL CONTINUE effective April 2, [2007] 2011. The provisions of
36 this subdivision shall apply on a prorated basis to officers and employ-
37 ees serving on a seasonal basis in the collective negotiating units
38 designated as the administrative services unit, the institutional
39 services unit, the operational services unit, and the division of mili-
40 tary and naval affairs unit, and officers and employees excluded from
41 collective negotiating units established pursuant to article 14 of the
42 civil service law.

43 S 19. Notwithstanding any inconsistent provision of law, where and to
44 the extent that any agreement between the state and an employee organiza-
45 tion entered into pursuant to article 14 of the civil service law so
46 provides on behalf of employees in the collective negotiating units
47 designated as the administrative, institutional, operational services
48 negotiating units or the military and naval affairs negotiating unit
49 established pursuant to article 14 of the civil service law, the state
50 shall contribute an amount designated in such agreement and for the peri-
51 od covered by such agreement to the accounts of such employees enrolled
52 for dependent care deductions pursuant to subdivision 7 of section 201-a
53 of the state finance law. Such amounts shall be from funds appropriated
54 in this act and shall not be part of basic annual salary for overtime or
55 retirement purposes.

1 S 20. Notwithstanding any provision of law to the contrary, the appro-
2 priations contained in this act shall be available to the state for the
3 payment and publication of grievance and arbitration settlements and
4 awards pursuant to articles 33 and 34 of the collective negotiating
5 agreement between the state and the employee organization representing
6 the collective negotiating units designated as the administrative
7 services unit, the institutional services unit, the operational services
8 unit or the division of military and naval affairs unit established
9 pursuant to article 14 of the civil service law.

10 S 21. During the period April 2, 2011 through April 1, 2016, there
11 shall be a statewide labor-management committee continued and adminis-
12 tered pursuant to the terms of the agreement negotiated between the state
13 and an employee organization representing employees in the collective
14 negotiating units designated as the administrative services unit, the
15 institutional services unit, the operational services unit or the divi-
16 sion of military and naval affairs unit established pursuant to article
17 14 of the civil service law which shall, after April 2, 2011, have the
18 responsibility of studying and making recommendations concerning the
19 major issues of productivity, the quality of work life and implementing
20 the agreements reached.

21 S 22. The salary increases, salary deductions, salary reductions, bene-
22 fit modifications, and any other modifications to terms and conditions of
23 employment provided for by this act for state employees in the collective
24 negotiating units designated as the administrative services unit, the
25 institutional services unit, the operational services unit or the divi-
26 sion of military and naval affairs unit established pursuant to article
27 14 of the civil service law shall not be implemented until the director
28 of employee relations shall have delivered to the director of the budget
29 and the comptroller a letter certifying that there is in effect with
30 respect to such negotiating units collectively negotiated agreements,
31 ratified by the membership, which provide for such increases, deductions,
32 reductions and modifications.

33 S 23. Use of appropriations. The comptroller is authorized to pay any
34 amounts required during the fiscal years commencing April 1, 2011 by the
35 foregoing provisions of this act for any state department or agency from
36 any appropriation or other funds available to such state department or
37 agency for personal service or for other related employee benefits during
38 such fiscal year. To the extent that such appropriations in any fund are
39 insufficient to accomplish the purposes herein set forth, the director of
40 the budget is authorized to allocate to the various departments and agen-
41 cies, from any appropriations available in any fund, the amounts neces-
42 sary to pay such amounts.

43 S 24. Effect of participation in special annuity program. No officer or
44 employee participating in a special annuity program pursuant to the
45 provisions of article 8-C of the education law shall, by reason of an
46 increase in compensation pursuant to this act, suffer any reduction of
47 the salary adjustment to which he or she would otherwise be entitled by
48 reason of participation in such program, and such salary adjustment shall
49 be based upon the salary of such officer or employee without regard to
50 the reduction authorized by such article.

51 S 25. The several amounts as hereinafter set forth, or so much thereof
52 as may be necessary, are hereby appropriated from the fund so designated
53 for use by any state department or agency for the fiscal year beginning
54 April 1, 2011 to supplement appropriations from each respective fund
55 available for personal service, other than personal service and fringe
56 benefits, and to carry out the provisions of this act. No money shall be

1 available for expenditure from this appropriation until a certificate of
2 approval has been issued by the director of the budget and a copy of
3 such certificate or any amendment thereto has been filed with the state
4 comptroller, the chair of the senate finance committee and the chair of
5 the assembly ways and means committee.

6 ALL STATE DEPARTMENTS AND AGENCIES
7 SPECIAL PAY BILLS

8 General Fund / State Operations
9 State Purposes Account - 003

10 Nonpersonal Service

11	Joint committee on health benefits	1,331,000
12	Employee training and development	10,714,000
13	Safety and health maintenance committee	637,000
14	Employment security committee	525,000
15	Family Benefits Committee	2,582,000
16	Discipline	381,000
17	Employee assistance program	648,000
18	Statewide performance rating committee	41,000
19	Property damage	32,000
20	Work related clothing (operational services	
21	unit)	1,071,000
22	Tool allowance (operational services unit)	77,000
23	Tool insurance (operational services unit)	26,000
24	Uniform allowance (institutional services	
25	unit)	430,000
26	Work related clothing (institutional	
27	services unit)	80,000
28	Contract Administration	400,000

29 S 26. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 2, 2011. Appropri-
31 ations made by this act shall remain in full force and effect for
32 liabilities incurred through March 31, 2012.
33 -----

REPEAL NOTE.--Subparagraphs 1, 2, 3, and 4 of paragraph a 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 admin-
istrative services unit, the operational services unit, the institu-
tional services unit and the division of military and naval affairs and
are replaced by revised salary schedules in new subparagraphs 1, 2, and
3.

34 PART B

35 SALARIES AND BENEFITS FOR CERTAIN STATE
36 OFFICERS AND EMPLOYEES EXCLUDED FROM
37 COLLECTIVE NEGOTIATING UNITS FOR 2011-2016

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

41 D. SALARY GRADES FOR POSITIONS IN THE COMPETITIVE, NON-COMPETITIVE AND
42 LABOR CLASSES OF THE CLASSIFIED SERVICE OF THE STATE OF NEW YORK DESIG-

1 NATED MANAGERIAL OR CONFIDENTIAL PURSUANT TO ARTICLE FOURTEEN OF THIS
 2 CHAPTER, CIVILIAN STATE EMPLOYEES OF THE DIVISION OF MILITARY AND NAVAL
 3 AFFAIRS OF THE EXECUTIVE DEPARTMENT WHOSE POSITIONS ARE NOT IN, OR ARE
 4 EXCLUDED FROM REPRESENTATION RIGHTS IN, ANY RECOGNIZED OR CERTIFIED
 5 NEGOTIATING UNIT, AND THOSE EXCLUDED FROM REPRESENTATION RIGHTS UNDER
 6 ARTICLE FOURTEEN OF THIS CHAPTER PURSUANT TO RULES OR REGULATIONS OF THE
 7 PUBLIC EMPLOYMENT RELATIONS BOARD SHALL BE AS FOLLOWS ON THE EFFECTIVE
 8 DATES INDICATED:

9 (1) EFFECTIVE APRIL FIRST, TWO THOUSAND ELEVEN:

10	GRADE	HIRING RATE	JOB RATE
11	M/C 3	\$22,547	\$28,824
12	M/C 4	\$23,542	\$30,132
13	M/C 5	\$24,955	\$31,594
14	M/C 6	\$26,014	\$33,215
15	M/C 7	\$27,514	\$35,013
16	M/C 8	\$29,024	\$36,818
17	M/C 9	\$30,682	\$38,776
18	M/C 10	\$32,335	\$40,927
19	M/C 11	\$34,296	\$43,200
20	M/C 12	\$36,106	\$45,466
21	M/C 13	\$38,208	\$47,991
22	M/C 14	\$40,477	\$50,631
23	M/C 15	\$42,729	\$53,366
24	M/C 16	\$45,138	\$56,212
25	M/C 17	\$47,698	\$59,312
26	M/C 18	\$47,952	\$59,504
27	M/C 19	\$50,524	\$62,597
28	M/C 20	\$53,099	\$65,737
29	M/C 21	\$55,963	\$69,132
30	M/C 22	\$58,971	\$72,765
31	M/C 23	\$61,993	\$77,454
32	M 1	\$66,914	\$84,581
33	M 2	\$74,210	\$93,803
34	M 3	\$82,363	\$104,080
35	M 4	\$91,096	\$114,961
36	M 5	\$101,149	\$127,794
37	M 6	\$111,992	\$140,864
38	M 7	\$123,446	\$152,886
39	M 8	\$104,082+	

40 (2) EFFECTIVE APRIL FIRST, TWO THOUSAND FOURTEEN:

41	GRADE	HIRING RATE	JOB RATE
42	M/C 3	\$22,998	\$29,400
43	M/C 4	\$24,013	\$30,735
44	M/C 5	\$25,454	\$32,226
45	M/C 6	\$26,534	\$33,879
46	M/C 7	\$28,064	\$35,713
47	M/C 8	\$29,604	\$37,554
48	M/C 9	\$31,296	\$39,552
49	M/C 10	\$32,982	\$41,746
50	M/C 11	\$34,982	\$44,064
51	M/C 12	\$36,828	\$46,375
52	M/C 13	\$38,972	\$48,951
53	M/C 14	\$41,287	\$51,644
54	M/C 15	\$43,584	\$54,433
55	M/C 16	\$46,041	\$57,336
56	M/C 17	\$48,652	\$60,498

1	M/C 18	\$48,911	\$60,694
2	M/C 19	\$51,534	\$63,849
3	M/C 20	\$54,161	\$67,052
4	M/C 21	\$57,082	\$70,515
5	M/C 22	\$60,150	\$74,220
6	M/C 23	\$63,233	\$79,003
7	M 1	\$68,252	\$86,273
8	M 2	\$75,694	\$95,679
9	M 3	\$84,010	\$106,162
10	M 4	\$92,918	\$117,260
11	M 5	\$103,172	\$130,350
12	M 6	\$114,232	\$143,681
13	M 7	\$125,915	\$155,944
14	M 8	\$106,164+	

15 (3) EFFECTIVE APRIL FIRST, TWO THOUSAND FIFTEEN:

16	GRADE	HIRING RATE	JOB RATE
17	M/C 3	\$23,458	\$29,988
18	M/C 4	\$24,493	\$31,350
19	M/C 5	\$25,963	\$32,871
20	M/C 6	\$27,065	\$34,557
21	M/C 7	\$28,625	\$36,427
22	M/C 8	\$30,196	\$38,305
23	M/C 9	\$31,922	\$40,343
24	M/C 10	\$33,642	\$42,581
25	M/C 11	\$35,682	\$44,945
26	M/C 12	\$37,565	\$47,303
27	M/C 13	\$39,751	\$49,930
28	M/C 14	\$42,113	\$52,677
29	M/C 15	\$44,456	\$55,522
30	M/C 16	\$46,962	\$58,483
31	M/C 17	\$49,625	\$61,708
32	M/C 18	\$49,889	\$61,908
33	M/C 19	\$52,565	\$65,126
34	M/C 20	\$55,244	\$68,393
35	M/C 21	\$58,224	\$71,925
36	M/C 22	\$61,353	\$75,704
37	M/C 23	\$64,498	\$80,583
38	M 1	\$69,617	\$87,998
39	M 2	\$77,208	\$97,593
40	M 3	\$85,690	\$108,285
41	M 4	\$94,776	\$119,605
42	M 5	\$105,235	\$132,957
43	M 6	\$116,517	\$146,555
44	M 7	\$128,433	\$159,063
45	M 8	\$108,287+	

46 S 2. Subdivision 1 of section 19 of the correction law is REPEALED and
47 a new subdivision 1 is added to read as follows:

48 1. THIS SECTION SHALL APPLY TO EACH SUPERINTENDENT OF A CORRECTIONAL
49 FACILITY APPOINTED ON OR AFTER AUGUST NINTH, NINETEEN HUNDRED
50 SEVENTY-FIVE AND ANY SUPERINTENDENT HERETOFORE APPOINTED WHO ELECTS TO
51 BE COVERED BY THE PROVISIONS THEREOF BY FILING SUCH ELECTION WITH THE
52 COMMISSIONER.

53 A. THE SALARY SCHEDULE FOR SUPERINTENDENTS OF A CORRECTIONAL FACILITY
54 WITH AN INMATE POPULATION CAPACITY OF FOUR HUNDRED OR MORE INMATES SHALL
55 BE AS FOLLOWS:

56 EFFECTIVE APRIL FIRST, TWO THOUSAND ELEVEN:

1	HIRING RATE	JOB RATE
2	\$105,913	\$144,535
3	EFFECTIVE APRIL FIRST, TWO THOUSAND FOURTEEN:	
4	HIRING RATE	JOB RATE
5	\$108,031	\$147,426
6	EFFECTIVE APRIL FIRST, TWO THOUSAND FIFTEEN:	
7	HIRING RATE	JOB RATE
8	\$110,192	\$150,375

9 B. THE SALARY SCHEDULE FOR SUPERINTENDENTS OF CORRECTIONAL FACILITIES
10 WITH AN INMATE POPULATION CAPACITY OF FEWER THAN FOUR HUNDRED INMATES
11 SHALL BE AS FOLLOWS:

12	EFFECTIVE APRIL FIRST, TWO THOUSAND ELEVEN:	
13	HIRING RATE	JOB RATE
14	\$82,363	\$104,081
15	EFFECTIVE APRIL FIRST, TWO THOUSAND FOURTEEN:	
16	HIRING RATE	JOB RATE
17	\$84,010	\$106,163
18	EFFECTIVE APRIL FIRST, TWO THOUSAND FIFTEEN:	
19	HIRING RATE	JOB RATE
20	\$85,690	\$108,286

21 S 3. Compensation for certain state officers and employees. 1. The
22 provisions of this section shall apply to the following full-time state
23 officers and employees:

24 (a) officers and employees whose positions are designated managerial
25 or confidential pursuant to article 14 of the civil service law;

26 (b) civilian state employees of the division of military and naval
27 affairs in the executive department whose positions are not in, or are
28 excluded from representation rights in, any recognized or certified
29 negotiating unit;

30 (c) officers and employees excluded from representation rights under
31 article 14 of the civil service law pursuant to rules or regulations of
32 the public employment relations board; and

33 (d) officers and employees whose salaries are prescribed by section 19
34 of the correction law.

35 2. For such officers and employees the following increases shall
36 apply:

37 (a) Effective April 1, 2014, the basic annual salary of officers and
38 employees to whom the provisions of this subdivision apply shall be
39 increased by two percent adjusted to the nearest whole dollar amount.

40 (b) Effective April 1, 2015, the basic annual salary of officers and
41 employees to whom the provisions of this subdivision apply shall be
42 increased by two percent adjusted to the nearest whole dollar amount.

43 3. (a) Effective April 1, 2013, for officers and employees to whom the
44 provisions of this subdivision apply, a lump sum payment of \$775 shall
45 be made to each employee in such units in full-time employment status
46 who was (i) active on the effective date of this act and (ii) in contin-
47 uous service, as defined by paragraph (c) of subdivision 3 of section
48 130 of the civil service law, from that date until April 1, 2013. Such
49 lump sum shall be considered salary for final average salary retirement
50 purposes but shall not become part of basic annual salary. Notwithstand-
51 ing the foregoing provisions of this subdivision, officers and employees
52 who would have otherwise been eligible to receive such lump sum payment,
53 but who were not on the payroll on said April 1, 2013, shall be eligible
54 for said payment if they return to full-time employment status during
55 the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, for officers and employees to whom the provisions of this subdivision apply, a lump sum payment of \$225 shall be made to each employee in such units in full-time employment status who was (i) active on the effective date of this act 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.

4. If an unencumbered position is one that, 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 an officer or employee who is subject to the provisions of this section, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered.

5. The increases in salary and the lump sum payment payable pursuant to this section shall apply on a prorated basis in accordance with guidelines issued by the director of the budget to officers and employees otherwise eligible to receive an increase in salary or the lump sum payment pursuant to this act 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 salary rate.

6. Notwithstanding any of the foregoing provisions of this section, the provisions of this section shall not apply to the following except as otherwise provided by law:

(a) officers or employees paid on a fee schedule basis;

(b) officers or employees whose salaries are prescribed by section 40, 60, or 169 of the executive law;

(c) officers or employees in collective negotiating units established pursuant to article 14 of the civil service law.

7. Officers and employees to whom the provisions of this section apply who are incumbents of positions that are not allocated to salary grades specified in paragraph d of subdivision 1 of section 130 of the civil service law and whose salary is not prescribed in any other statute shall receive the salary increases and the lump sum payment specified in subdivisions two and three of this section.

8. In order to provide for the officers and employees to whom this section applies who are not allocated to salary grades performance advancements, merit awards, longevity payments and in lieu payments, and special achievement awards 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 that such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates that shall contain schedules of positions and the salaries or payments thereof for which adjustments or payments 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.

9. Notwithstanding any of the foregoing provisions of this section, any increase in compensation for any officer or employee appointed to a lower graded position from a redeployment list pursuant to subdivision 1 of section 79 of the civil service law who continues to receive his or her former salary pursuant to such subdivision shall be determined on

the basis of such lower graded position provided, however, that the increases in salary provided in subdivision two of this section shall not cause such officer's or employee's salary to exceed the job rate of any such lower graded position at salary grade.

10. Notwithstanding any of the foregoing provisions of this section or of any law to the contrary, the director of the budget may reduce the salary of any position which is vacant or which becomes vacant, so long as the position, if encumbered, would be subject to the provisions of this section. The director of the budget does not need to provide a reason for such reduction.

S 4. Compensation for certain state officers and employees in the division of state police. 1. The provisions of this section shall apply to officers and employees whose salaries are provided for by paragraph (a) of subdivision 1 of section 215 of the executive law.

2. (a) Effective April 1, 2014, the basic annual salary of officers and employees to whom the provisions of this subdivision apply shall be increased by two percent adjusted to the nearest whole dollar amount.

(b) Effective April 1, 2015, the basic annual salary of officers and employees to whom the provisions of this subdivision apply shall be increased by two percent adjusted to the nearest whole dollar amount.

3. (a) Effective April 1, 2013, for officers and employees to whom the provisions of this subdivision apply, a lump sum payment of \$775 shall be made to each employee in such units in full-time employment status who was (i) active on the effective date of this act 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. 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 said April 1, 2013, shall be eligible for said payment if they return to full-time employment status during the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, for officers and employees to whom the provisions of this subdivision apply, a lump sum payment of \$225 shall be made to each employee in such units in full-time employment status who was (i) active on the effective date of this act 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.

4. The increases in salary and the lump sum payments payable pursuant to this section shall apply on a prorated basis in accordance with guidelines issued by the director of the budget to officers and employees otherwise eligible to receive an increase in salary or the lump sum payment pursuant to this act 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 salary rate.

5. Notwithstanding any of the foregoing provisions of this section, any increase in compensation for any officer or employee appointed to a lower graded position from a redeployment list pursuant to subdivision 1 of section 79 of the civil service law who continues to receive his or her former salary pursuant to such subdivision shall be determined on the basis of such lower graded position provided, however, that the increases in salary provided in subdivision two of this section shall

not cause such officer's or employee's salary to exceed the job rate of any such lower graded position at salary grade.

S 5. Compensation for certain state employees in the state university and certain employees of contract colleges at Cornell and Alfred universities.

1. Effective April 1, 2014 and April 1, 2015, the basic annual salary of incumbents of positions in the professional service in the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential as defined pursuant to article 14 of the civil service law, may be increased pursuant to plans approved by the state university trustees. Such increases in basic annual salary rates shall not exceed in the aggregate two percent of the total basic annual salary rates in effect on March 31, 2014 and two percent of the total basic annual salary rates in effect on March 31, 2015.

2. Effective April 1, 2014 and April 1, 2015, the basic annual salary of incumbents of positions in the institutions under the management and control of Cornell and Alfred universities as representatives of the board of trustees of the state university that, in the opinion of the director of employee relations, would be designated managerial or confidential were they subject to article 14 of the civil service law may be increased pursuant to plans approved by the state university trustees. Such increases in basic annual salary rates shall not exceed in the aggregate two percent of the total basic annual salary rates in effect on March 31, 2014 and two percent of the total basic annual salary rates in effect on March 31, 2015.

3. (a) (i) Effective April 1, 2013, the state university trustees, at their discretion, may provide to incumbents of positions in the professional service in the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential as defined pursuant to article 14 of the civil service law, who was (I) active on the effective date of this act 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, a non-recurring lump sum payment in an amount not to exceed \$775.

(ii) Effective April 1, 2014, the state university trustees, at their discretion, may provide to incumbents of positions in the professional service in the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential as defined pursuant to article 14 of the civil service law, who was (I) active on the effective date of this act 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, a non-recurring lump sum payment in an amount not to exceed \$225.

(iii) Payments provided in this subdivision shall be in addition to and shall not be a part of the employee's basic annual salary, provided, however, that any amounts payable pursuant to this subdivision shall be included as compensation for retirement purposes.

(b) (i) Effective April 1, 2013, Cornell and Alfred universities may provide to incumbents of positions in the institutions under the management and control of Cornell and Alfred universities as representatives of the board of trustees of the state university that, in the opinion of the director of employee relations, would be designated managerial or confidential were they subject to article 14 of the civil service law, who are (I) active on the effective date of this act 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, a

1 non-recurring lump sum payment in an amount not to exceed \$775, for
2 distribution in whole or in part by Cornell and Alfred universities, in
3 their discretion, with the approval of the state university trustees.

4 (ii) Effective April 1, 2014, Cornell and Alfred universities may
5 provide to incumbents of positions in the institutions under the manage-
6 ment and control of Cornell and Alfred universities as representatives
7 of the board of trustees of the state university that, in the opinion of
8 the director of employee relations, would be designated managerial or
9 confidential were they subject to article 14 of the civil service law,
10 who are (I) active on the effective date of this act and (II) in contin-
11 uous service, as defined by paragraph (c) of subdivision 3 of section
12 130 of the civil service law, from that date until April 1, 2013, a
13 non-recurring lump sum payment in an amount not to exceed \$225, for
14 distribution in whole or in part by Cornell and Alfred universities, in
15 their discretion, with the approval of the state university trustees.

16 (iii) Payments provided in this subdivision shall be in addition to
17 and shall not be a part of the employee's basic annual salary, provided,
18 however, that any amounts payable pursuant to this subdivision shall be
19 included as compensation for retirement purposes.

20 4. During the period April 1, 2014 through March 31, 2016, the basic
21 annual salary of incumbents of positions in the non-professional service
22 that, in the opinion of the director of employee relations, would be
23 designated managerial or confidential were they subject to article 14 of
24 the civil service law, except those positions in the Cornell service and
25 maintenance unit that are subject to the terms of a collective bargain-
26 ing agreement between Cornell university and the employee organization
27 representing employees in such positions and except those positions in
28 the Alfred service and maintenance unit that are subject to the terms of
29 a collective bargaining agreement between Alfred university and the
30 employee organization representing employees in such positions, in
31 institutions under the management and control of Cornell and Alfred
32 universities as representatives of the board of trustees of the state
33 university may be increased pursuant to plans approved by the state
34 university trustees. Such plans may include new salary schedules which
35 shall supersede the salary schedules then in effect applicable to such
36 employees. Such plans shall provide for increases in basic annual sala-
37 ries, which, exclusive of performance advancement payments or merit
38 recognition payments, shall not exceed in the aggregate two percent of
39 the total basic annual salary rates in effect on March 31, 2014 and two
40 percent of the total basic annual salary rates in effect on March 31,
41 2015.

42 5. For the purposes of this section, the basic annual salary of an
43 employee is that salary that is obtained through direct appropriation of
44 state moneys for the purpose of paying wages. Nothing in this part shall
45 prevent increasing amounts paid to incumbents of such positions in the
46 professional service in addition to the basic annual salary, provided,
47 however, that the amounts required for such increase and the cost of
48 fringe benefits attributable to such increase, as determined by the
49 comptroller, are made available to the state in accordance with the
50 procedures established by the state university, with the approval of the
51 director of the budget, for such purposes.

52 S 6. Location compensation for certain state officers and employees.

53 1. This section shall apply to all full-time annual salaried state
54 officers and employees and non annual salaried seasonal state officers
55 and employees except the following:

1 (a) officers and employees of the legislature and the judiciary,
2 including officers and employees of boards, bodies and commissions that
3 are deemed to be part of the legislature or judiciary for the purposes
4 of section 49 of the state finance law;

5 (b) officers and employees whose salaries are prescribed by or deter-
6 mined in accordance with section 40, 60, 169, 215, or 216 of the execu-
7 tive law;

8 (c) incumbents of allocated or unallocated positions in the profes-
9 sional service in the state university and in institutions under the
10 management and control of Cornell and Alfred universities as represen-
11 tatives of the board of trustees of the state university;

12 (d) officers and employees who are in recognized or certified collec-
13 tive negotiating units pursuant to article 14 of the civil service law.

14 2. Notwithstanding the provisions of section 15 of chapter 333 of the
15 laws of 1969, as amended, officers and employees subject to this section
16 whose principal place of employment or, in the case of field employees,
17 whose official station as determined in accordance with the regulations
18 of the comptroller is located:

19 (a) in the county of Monroe and who were eligible to receive location
20 pay on March 31, 1985, shall receive location pay at the rate of two
21 hundred dollars per year provided they continue to be otherwise eligi-
22 ble.

23 (b) in the city of New York, or in the county of Rockland, Westches-
24 ter, Nassau, or Suffolk shall continue to receive a downstate adjustment
25 at the rate of three thousand twenty-six dollars effective October 1,
26 2008.

27 (c) in the county of Dutchess, Orange, or Putnam shall continue to
28 receive a mid-Hudson adjustment at the rate of one thousand five hundred
29 thirteen dollars effective October 1, 2008. Such location payments
30 shall be in addition to and shall not be a part of an employee's basic
31 annual salary, and shall not affect or impair any advancements or other
32 rights or benefits to which an employee may be entitled by law,
33 provided, however, that location payments shall be included as compen-
34 sation for purposes of computation of overtime pay and for retirement
35 purposes. For the sole purpose of continuing eligibility for location
36 pay in Monroe county, an employee previously eligible to receive
37 location pay on March 31, 1985 who is on an approved leave of absence or
38 participates in an employer program to reduce to part-time service
39 during summer months shall continue to be eligible for said location pay
40 upon return to full-time state service in Monroe county.

41 S 7. Continuation of location compensation for certain officers and
42 employees of the Hudson Valley developmental disabilities services
43 office. 1. Notwithstanding any law, rule or regulation to the contrary,
44 any officer or employee of the Hudson Valley developmental disabilities
45 services office not represented in collective negotiating units estab-
46 lished pursuant to article 14 of the civil service law who is receiving
47 location pay pursuant to section 5 of chapter 174 of the laws of 1993
48 shall continue to receive such location pay under the conditions and at
49 the rates specified by such section.

50 2. Notwithstanding section seven of this act or any other law, rule or
51 regulation to the contrary, any officer or employee of the Hudson Valley
52 developmental disabilities services office not represented in collective
53 negotiating units established pursuant to article 14 of the civil
54 service law who is receiving location pay pursuant to said section seven
55 of this act shall continue to be eligible for such location pay if such
56 officer's or employee's principal place of employment is changed to a

1 location outside of the county of Rockland as the result of a reduction
2 or redeployment of staff, provided, however, that such officer or
3 employee is reassigned to or otherwise appointed or promoted to a
4 different position at another work location within such Hudson Valley
5 developmental disabilities services office located outside of the county
6 of Rockland. The rate of such continued location pay shall not exceed
7 the rate such officer or employee is receiving on the date of such reas-
8 signment, appointment, or promotion.

9 S 8. Overtime meal allowance. Notwithstanding any other provision of
10 law to the contrary, individuals in positions in the classified service
11 of the state of New York designated managerial or confidential pursuant
12 to article 14 of the civil service law, shall continue to receive,
13 effective April 1, 2011, an overtime meal allowance in the amount of
14 \$5.50 pursuant to eligibility guidelines developed by the director of
15 employee relations.

16 S 9. Notwithstanding any provision of law to the contrary, the appro-
17 priations contained in this act shall be available to the state for the
18 payment of grievance settlements and awards pursuant to executive order
19 42, dated October 14, 1970, and title 9, part 560, official compilation
20 of codes, rules and regulations of the state of New York.

21 S 10. Use of appropriations. The comptroller is authorized to pay any
22 amounts required during the fiscal years commencing April 1, 2011 by the
23 foregoing provisions of this act for any state department or agency from
24 any appropriation or other funds available to such state department or
25 agency for personal service or for other related employee benefits
26 during such fiscal year. To the extent that such appropriations in any
27 fund are insufficient to accomplish the purposes herein set forth, the
28 director of the budget is authorized to allocate to the various depart-
29 ments and agencies, from any appropriations available in any fund, the
30 amounts necessary to pay such amounts.

31 S 11. Effect of participation in special annuity program. No officer
32 or employee participating in a special annuity program pursuant to the
33 provision of article 8-C of the education law shall, by reason of an
34 increase in compensation pursuant to this act, suffer any reduction of
35 the salary adjustment to which that employee would otherwise be entitled
36 by reason of participation in such program, and such salary adjustment
37 shall be based upon the salary of such officer or employee without
38 regard to the reduction authorized by such article.

39 S 12. Date of entitlement to salary increase. Notwithstanding the
40 provisions of this act or of any other law, the increase in salary or
41 compensation of any officer or employee provided by this act shall be
42 added to the salary or compensation of such officer or employee at the
43 beginning of that payroll period the first day of which is nearest to
44 the effective date of such increase as provided in this act, or at the
45 beginning of the earlier of two payroll periods the first days of which
46 are nearest but equally near to the effective date of such increase as
47 provided in this act, provided, however, that for the purposes of deter-
48 mining the salary of such officer or employee upon reclassification,
49 reallocation, appointment, promotion, transfer, demotion, reinstatement
50 or other change of status, such salary increase shall be deemed to be
51 effective on the date thereof as prescribed in this act, and the payment
52 thereof pursuant to this section on a date prior thereto, instead of on
53 such effective date, shall not operate to confer any additional salary
54 rights or benefits on such officer or employee.

55 S 13. 1. Notwithstanding the provisions of any other section of this
56 act or any other provision of law to the contrary, any increase in

1 compensation, including any lump sum payment, provided: (a) in this act,
2 or (b) as a result of a promotion, appointment, or advancement to a
3 position in a higher salary grade, or (c) pursuant to paragraph (c) of
4 subdivision 6 of section 131 of the civil service law, or (d) pursuant
5 to paragraph (b) of subdivision 8 of section 130 of the civil service
6 law, or (e) pursuant to paragraph (a) of subdivision 3 of section 13 of
7 chapter 732 of the laws of 1988, as amended, may be withheld in whole or
8 in part from any officer or employee when, in the opinion of the direc-
9 tor of the budget, such withholding is necessary to reflect the job
10 performance of such officer or employee, or to maintain appropriate
11 salary relationships among officers or employees of the state, or to
12 reduce state expenditures to acceptable levels or when, in the opinion
13 of the director of the budget, such increase is not warranted or is not
14 appropriate.

15 2. Notwithstanding the provisions of any other section of this act,
16 the salary increases and lump sum payments provided for in this act
17 shall not be implemented until the director of the budget delivers
18 notice to the comptroller that such amounts may be paid.

19 3. Notwithstanding the provisions of any other section of this act or
20 any other provisions of law, for state officers and employees in the
21 executive branch who are in positions which are not in collective nego-
22 tiating units, the director of the budget shall have the authority to
23 devise and implement a plan to reduce the basic annual salary, hourly
24 rate or per diem of any such employee for the time and by the rate
25 established by such plan for the time period specified in such plan.
26 Such plan shall contain salary schedules appropriate for the plan and
27 such other provisions necessary for the implementation and continued
28 execution of the plan for the period established by the plan. After the
29 cessation of such plan, the salary, rate or per diem shall be restored
30 to the amount in effect immediately before the commencement of such
31 plan.

32 S 14. The several amounts as hereinafter set forth, or so much thereof
33 as may be necessary, are hereby appropriated from the fund so designated
34 for use by any state department or agency for the fiscal year beginning
35 April 1, 2011 to supplement appropriations from each respective fund
36 available for personal service, other than personal service and fringe
37 benefits, and to carry out the provisions of this act. No money shall be
38 available for expenditure from this appropriation until a certificate of
39 approval has been issued by the director of the budget and a copy of
40 such certificate or any amendment thereto has been filed with the state
41 comptroller, the chairman of the senate finance committee and the chair-
42 man of the assembly ways and means committee.

43 ALL STATE DEPARTMENTS AND AGENCIES
44 SPECIAL PAY BILLS

45 General Fund / State Operations
46 State Purposes Account - 003

Nonpersonal Service

Family benefits	310,000
Medical flexible spending account	500,000
Pre-tax transportation benefit	550,000
Management training	1,018,000
Uniform allowance	245,000
Tuition reimbursement	250,000
M/C share of negotiated programs	570,000

S 15. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011. Appropriations made by this act shall remain in full force and effect for liabilities incurred through March 31, 2012.

REPEAL NOTE.--Paragraph d of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for state employees designated managerial and confidential pursuant to article 14 of the civil service law and is replaced by revised salary schedules in a new paragraph d.

Subdivision 1 of section 19 of the correction law, repealed by section two of this act, provided salary schedules for superintendents of correctional facilities and is replaced by revised salary schedules in a new subdivision 1.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part contained in any part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part contained in any part thereof directly involved in the controversy which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date for Parts A through B of this act shall be as specifically set forth in the last section of such Part.