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

S. 6960 A. 9831

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

April 16, 2012

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

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

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

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

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 Subparagraphs 1, 2, 3 and 4 of paragraph c of subdivision 1 of section 130 of the civil service law are REPEALED and two new subparagraphs 1 and 2 are added to read as follows: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

PEF SALARY SCHEDULE
EFFECTIVE APRIL 1, 2010 (ADMIN)
EFFECTIVE MARCH 25, 2010 (INST)

SG	HIRING RATE	JOB RATE	ADVANCE AMOUNT	JOB RATE ADVANCE
1	$21,115	$27,249	$877	$877
2	$21,916	$28,343	$919	$919
3	$22,988	$29,730	$964	$964
4	$24,020	$31,115	$1,011	$1,033
5	$25,158	$32,602	$1,064	$1,064
6	$26,506	$34,317	$1,116	$1,116
7	$27,994	$36,173	$1,162	$1,212
8	$29,535	$38,089	$1,203	$1,339
9	$31,181	$40,136	$1,247	$1,477

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

LBD12120-03-2

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

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

PEF SALARY SCHEDULE
EFFECTIVE MARCH 27, 2014 (ADMIN)
EFFECTIVE APRIL 3, 2014 (INST)

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

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

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

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

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

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

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

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

section. If a position is created, and 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. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position which is or becomes vacant.

6. The increase in salary provided in subdivision two of this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary, 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. Notwithstanding the foregoing, the provisions of subdivision three and four of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

7. In order to provide for the officers and employees to whom this section applies but are not allocated to salary grades, but are paid on an annual basis, increases and payments pursuant to subdivisions 4 and 11 of this section 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 and/or payments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries and/or payments thereof for which adjustments and/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 chair of the senate finance committee and the chair of the assembly ways and means committee.

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

9. Notwithstanding any other provision of this section, except subdivision one, 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 increase in salary provided in this section shall not cause such officer's or employee's salary to exceed the job rate of such lower graded position.

10. Notwithstanding any other provision of this section or any law to the contrary, 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 director of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

11. Notwithstanding any law, rule or regulation to the contrary, officers and employees to whom the provisions of this section apply shall receive performance awards in accordance with the terms of a collectively negotiated agreement between the state and the employee organization representing such employees entered into pursuant to article 14 of the

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

S 4. Location compensation for certain state officers and employees. Notwithstanding any inconsistent provisions of law, officers and employees, including seasonal officers and employees who shall receive the compensation provided for pursuant to this section on a pro-rated basis except part-time officers and employees, in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, whose principal place of employment or, in the case of a field employee, whose official station as determined in accordance with the regulations of the comptroller, is located: 1. in the county of Monroe and who were eligible to receive location pay on March 31, 1985, shall receive location pay at the rate of two hundred dollars per year provided they continue to be otherwise eligible; or 2. in the city of New York, or in the county of Rockland, Westchester, Nassau or Suffolk shall continue to receive a downstate adjustment at the annual rate of three thousand twenty-six dollars effective April 1, 2011; or 3. in the county of Dutchess, Putnam or Orange shall continue to receive a mid-Hudson adjustment at the annual rate of one thousand five hundred thirteen dollars effective April 1, 2011. Such location payments shall be in addition to and shall not be a part of an officer's or employee's basic annual salary, and shall not affect or impair any performance advancements or other rights or benefits to which an officer or employee may be entitled by law, provided, however, that location payments shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. For the sole purpose of continuing eligibility for location pay in Monroe county, an officer or employee previously eligible to receive location pay on March 31, 1985 who is on an approved leave of absence or participates in an employer program to reduce to part-time service during summer months shall continue to be eligible for said location pay upon return to full-time state service in Monroe county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALL STATE DEPARTMENT AND AGENCIES
SPECIAL PAY BILLS

General Fund / State Operations
State Purposes Account - 003

Nonpersonal Service

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

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

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