

10098

I N A S S E M B L Y

June 13, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weinstein, Abbate) -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

AN ACT in relation to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system

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

1 Section 1. Legislative findings. The legislature finds that a collec-
2 tive bargaining agreement has been negotiated by the unified court
3 system with an employee organization representing nonjudicial officers
4 and employees in the state judiciary negotiating unit. The purpose of
5 this act is to implement this agreement and any other collective
6 bargaining agreement negotiated by the unified court system with an
7 employee organization where, pursuant to section seven hereof, the chief
8 administrator of the courts has delivered a certificate to the comp-
9 troller that such collective bargaining agreement is in effect; and to
10 provide increases in compensation for nonjudicial officers and employees
11 of the unified court system not in collective negotiating units. Refer-
12 ences in this act to the unified court system's classification structure
13 shall mean the classification structure established by the chief admin-
14 istrator of the courts on May 28, 1979, as amended since that date.
15 References to the April, 2010 salary schedule shall mean the salary
16 schedule promulgated by the chief administrator of the courts pursuant
17 to subdivision (d) of section 2 of chapter 276 of the laws of 2008.
18 References to the October, 2014 salary schedule, the April, 2015 salary
19 schedule and the April, 2016 salary schedule shall mean the salary sche-
20 dules promulgated by the chief administrator pursuant to subdivisions
21 (a), (b) and (c) of section two of this act, respectively.

22 S 2. Salary schedules. The chief administrator of the courts shall
23 promulgate salary schedules, as follows:

24 (a) Effective October 1, 2014, each of the rates of pay established by
25 the April, 2010 salary schedule shall be increased as follows:

26 (1) the maximum rate for each grade shall be increased by an amount
27 equal to 2 percent thereof (and then rounded up to the nearest dollar);

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

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(2) the amount of the increment for each grade shall equal one-seventh of the difference (rounded up to the nearest dollar) between the maximum rate for such grade, as increased by paragraph (1) of this subdivision, and 102 percent of the hiring rate for such grade on the April, 2010 salary schedule (rounded up to the nearest dollar);

(3) the hiring, first, second, third, fourth, fifth and sixth year rates of compensation for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, minus 7, 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as increased by paragraph (2) of this subdivision, respectively;

(4) the longevity rate for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, plus the amount of the increment for such grade; and

(5) the extra-longevity rate for each grade shall equal the longevity rate for such grade, as increased by paragraph (4) of this subdivision, plus the amount of the increment for such grade.

(b) Effective April 1, 2015, each of the rates of pay established by the October, 2014 salary schedule shall be increased as follows:

(1) the maximum rate for each grade shall be increased by an amount equal to 2 percent thereof (and then rounded up to the nearest dollar);

(2) the amount of the increment for each grade shall equal one-seventh of the difference (rounded up to the nearest dollar) between the maximum rate for such grade, as increased by paragraph (1) of this subdivision, and 102 percent of the hiring rate for such grade on the October, 2014 salary schedule (rounded up to the nearest dollar);

(3) the hiring, first, second, third, fourth, fifth and sixth year rates of compensation for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, minus 7, 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as increased by paragraph (2) of this subdivision, respectively;

(4) the longevity rate for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, plus the amount of the increment for such grade; and

(5) the extra-longevity rate for each grade shall equal the longevity rate for such grade, as increased by paragraph (4) of this subdivision, plus the amount of the increment for such grade.

(c) Effective April 1, 2016, each of the rates of pay established by the April, 2015 salary schedule, excluding the longevity and extra-longevity rates for each grade on such schedule, shall be increased as follows:

(1) the maximum rate for each grade shall be increased by an amount equal to 2 percent thereof (and then rounded up to the nearest dollar);

(2) the amount of the increment for each grade shall equal one-seventh of the difference (rounded up to the nearest dollar) between the maximum rate for such grade, as increased by paragraph (1) of this subdivision, and 102 percent of the hiring rate for such grade on the April, 2015 salary schedule (rounded up to the nearest dollar); and

(3) the hiring, first, second, third, fourth, fifth and sixth year rates of compensation for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, minus 7, 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as increased by paragraph (2) of this subdivision, respectively;

Also effective on such date, there shall be no longevity and extra-longevity rates for each grade.

S 3. Increases in compensation for persons in allocated positions.

1 (a) Each nonjudicial officer and employee of the unified court system,
2 in a position allocated to a salary grade in the unified court system's
3 classification structure that is not in any collective negotiating unit
4 established pursuant to article 14 of the civil service law or that is
5 in the state judiciary unit, or in any other collective negotiating unit
6 of nonjudicial officers and employees of the unified court system where,
7 pursuant to section seven of this act, the chief administrator of the
8 courts has delivered to the comptroller a certificate that an employee
9 organization representing nonjudicial officers and employees in such
10 unit has negotiated a collective bargaining agreement with the unified
11 court system that is in effect, shall receive increased compensation in
12 accordance with this section. Longevity payments, bonuses and increases
13 to basic annual salary, as provided in this section, shall be prorated
14 for any nonjudicial officer or employee whose position is part-time, or
15 who otherwise works part-time, and who is eligible, under the rules of
16 the chief judge of the state or an agreement between the state and an
17 employee organization pursuant to the provisions of article fourteen of
18 the civil service law, to accrue annual and sick leave credits. Longev-
19 ity payments and bonuses as provided in this section shall be in addi-
20 tion to and shall not be a part of an employee's basic annual salary;
21 provided, however, they shall be included as compensation for retirement
22 purposes. For purposes of this section:

23 (i) no nonjudicial officer or employee shall receive a full or partial
24 increment or longevity payment or bonus hereunder unless he or she shall
25 have received other than an unsatisfactory performance rating for his or
26 her services during the year immediately preceding pursuant to a
27 performance evaluation system set forth by the chief administrator or in
28 an agreement specified in section one of this act, nor shall any nonju-
29 dicial officer or employee receive a bonus provided in this section
30 where he or she, as of the date on which this act becomes a law, already
31 has received that bonus pursuant to law other than a provision of this
32 act;

33 (ii) any full or partial increment received by a nonjudicial officer
34 or employee effective April 1, 2011, April 1, 2012, April 1, 2013 or
35 April 1, 2014, pursuant to law other than a provision of this act, shall
36 not be considered when determining:

37 (A) a nonjudicial officer or employee's basic annual salary on a spec-
38 ified date; and

39 (B) whether a nonjudicial officer or employee is eligible to receive a
40 full or partial increment of the grade of his or her position on any of
41 such dates pursuant to a provision of this act;

42 (iii) service in the employ of the unified court system shall mean
43 service as a nonjudicial officer or employee in one or more courts or
44 agencies of the unified court system. In order for a nonjudicial officer
45 or employee's years of service in the employ of the unified court system
46 to be "continuous," he or she must have served the equivalent of 120
47 workdays in each of those years; and the number of years required to
48 qualify for a longevity payment or bonus hereunder must be served
49 consecutively except that they may be interrupted by one or more breaks
50 of not more than 1 year each, attributable to a period of time between
51 any separation from his or her position in the employ of the unified
52 court system and resumption of service in such employ.

53 (b) Effective April 1, 2011:

54 (1) Each such nonjudicial officer and employee who is eligible to
55 receive a full or partial increment of the grade of his or her position
56 in accordance with provisions of the judiciary law shall receive such

1 full or partial increment, to be determined in accordance with the
2 April, 2010 salary schedule.
3 (2) Each such nonjudicial officer and employee in the employ of the
4 unified court system having at least 20 years of continuous service in
5 the employ of the unified court system as of the preceding March 31
6 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less
7 than 25 years of such service as of such date; or (ii) 2,000 dollars, if
8 he or she has at least 25 but less than 30 years of such service as of
9 such date; or (iii) 2,100 dollars, if he or she has at least 30 years of
10 such service as of such date.

11 (c) Effective April 1, 2012:

12 (1) Each such nonjudicial officer and employee who is eligible to
13 receive a full or partial increment of the grade of his or her position
14 in accordance with provisions of the judiciary law shall receive such
15 full or partial increment, to be determined in accordance with the
16 April, 2010 salary schedule.

17 (2) Each such nonjudicial officer and employee in the employ of the
18 unified court system having at least 20 years of continuous service in
19 the employ of the unified court system as of the preceding March 31
20 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less
21 than 25 years of such service as of such date; or (ii) 2,000 dollars, if
22 he or she has at least 25 but less than 30 years of such service as of
23 such date; or (iii) 2,100 dollars, if he or she has at least 30 years of
24 such service as of such date.

25 (d) Effective April 1, 2013:

26 (1) Each such nonjudicial officer and employee who is eligible to
27 receive a full or partial increment of the grade of his or her position
28 in accordance with provisions of the judiciary law shall receive such
29 full or partial increment, to be determined in accordance with the
30 April, 2010 salary schedule.

31 (2) Each such nonjudicial officer and employee in the employ of the
32 unified court system having at least 20 years of continuous service in
33 the employ of the unified court system as of the preceding March 31
34 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less
35 than 25 years of such service as of such date; or (ii) 2,000 dollars, if
36 he or she has at least 25 but less than 30 years of such service as of
37 such date; or (iii) 2,100 dollars, if he or she has at least 30 years of
38 such service as of such date.

39 (e) Effective April 1, 2014:

40 (1) Each such nonjudicial officer and employee who is eligible to
41 receive a full or partial increment of the grade of his or her position
42 in accordance with provisions of the judiciary law shall receive such
43 full or partial increment, to be determined in accordance with the
44 April, 2010 salary schedule.

45 (2) Each such nonjudicial officer and employee in the employ of the
46 unified court system having at least 20 years of continuous service in
47 the employ of the unified court system as of the preceding March 31
48 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less
49 than 25 years of such service as of such date; or (ii) 2,000 dollars, if
50 he or she has at least 25 but less than 30 years of such service as of
51 such date; or (iii) 2,100 dollars, if he or she has at least 30 years of
52 such service as of such date.

53 (f) Effective October 1, 2014, each such nonjudicial officer and
54 employee shall be placed in his or her grade on the October, 2014 salary
55 schedule in the manner provided as follows:

(1) If his or her basic annual salary under the April, 2010 salary schedule is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the October, 2014 salary schedule; or

(2) If his or her basic annual salary under the April, 2010 salary schedule is not identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased by an amount equaling 2 percent thereof (and then rounded up to the nearest dollar).

(g) Effective April 1, 2015:

(1) Each such nonjudicial officer and employee who is eligible to receive a full or partial increment of the grade of his or her position in accordance with provisions of the judiciary law shall receive such full or partial increment, to be determined in accordance with the October, 2014 salary schedule.

(2) Each such nonjudicial officer and employee shall be placed in his or her grade on the April, 2015 salary schedule in the manner provided as follows:

(i) If his or her basic annual salary under the October, 2014 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the April, 2015 salary schedule; or

(ii) If his or her basic annual salary under the October, 2014 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is not identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased by an amount equaling 2 percent thereof (and then rounded up to the nearest dollar).

(3) Each such nonjudicial officer and employee in the employ of the unified court system having at least 20 years of continuous service in the employ of the unified court system as of the preceding March 31 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less than 25 years of such service as of such date; or (ii) 2,000 dollars, if he or she has at least 25 but less than 30 years of such service as of such date; or (iii) 2,100 dollars, if he or she has at least 30 years of such service as of such date.

(h) Effective April 1, 2016:

(1) Each such nonjudicial officer and employee who is eligible to receive a full or partial increment of the grade of his or her position in accordance with provisions of the judiciary law shall receive such full or partial increment, to be determined in accordance with the April, 2015 salary schedule.

(2) Each such nonjudicial officer and employee shall be placed in his or her grade on the April, 2016 salary schedule in the manner provided as follows:

(i) If his or her basic annual salary under the April, 2015 salary schedule, including any increase pursuant to paragraph (1) of this

1 subdivision, is identical with the hiring, first year, second year,
2 third year, fourth year, fifth year, sixth year or maximum rate of
3 compensation of the grade of his or her position, that basic annual
4 salary shall be increased to the corresponding rate of compensation in
5 such grade as established by the April, 2016 salary schedule; or

6 (ii) If his or her basic annual salary under the April, 2015 salary
7 schedule, including any increase pursuant to paragraph (1) of this
8 subdivision, is not identical with the hiring, first year, second year,
9 third year, fourth year, fifth year, sixth year or maximum rate of
10 compensation of the grade of his or her position, that basic annual
11 salary shall be increased by an amount equaling 2 percent thereof (and
12 then rounded up to the nearest dollar).

13 (i) Effective April 1, 2016 and each April 1 thereafter, each such
14 nonjudicial officer and employee in the employ of the unified court
15 system who has completed at least 4 years of continuous service at a
16 basic annual salary rate equal to or higher than the maximum rate of the
17 employee's salary grade as of the preceding March 31 shall receive an
18 annual longevity payment equaling: (i) 2,250 dollars, if he or she has
19 completed less than 8 years of such service as of such date; or (ii)
20 4,600 dollars, if he or she has completed at least 8 but less than 13
21 years of such service as of such date; or (iii) 6,900 dollars, if he or
22 she has completed at least 13 years of such service as of such date.

23 (j) Effective March 31, 2017, each such nonjudicial officer and
24 employee in the employ of the unified court system shall receive a one-
25 time lump sum payment of 750 dollars, which shall not be added to his or
26 her basic annual salary but shall be included as compensation for
27 retirement purposes.

28 S 4. Increases in compensation for persons in unallocated positions.

29 (a) Each nonjudicial officer or employee of the unified court system
30 to whom the provisions of section three of this act would apply but for
31 the fact that he or she holds a position that is not allocated to a
32 salary grade in the unified court system's classification structure
33 shall receive increased compensation in accordance with this section.
34 Bonuses and increases to basic annual salary, as provided in this
35 section, shall be prorated for any nonjudicial officer or employee whose
36 position is part-time, or who otherwise works part-time, and who is
37 eligible, under rules of the chief judge of the state or an agreement
38 between the state and an employee organization pursuant to the
39 provisions of article 14 of the civil service law to accrue annual and
40 sick leave credits. Bonuses as provided in this section shall be in
41 addition to and shall not be a part of an employee's basic annual sala-
42 ry; provided, however, they shall be included as compensation for
43 retirement purposes. For purposes of this section:

44 (1) no nonjudicial officer or employee shall receive a bonus hereunder
45 unless he or she shall have received other than an unsatisfactory
46 performance rating for his or her services during the year immediately
47 preceding pursuant to a performance evaluation system set forth by the
48 chief administrator of the courts or in an agreement specified in
49 section one of this act, nor shall any nonjudicial officer or employee
50 receive a bonus provided in this section where he or she, as of the date
51 on which this act becomes a law, already has received that bonus pursu-
52 ant to law other than a provision of this act; and

53 (2) service in the employ of the unified court system shall mean
54 service as a nonjudicial officer or employee in one or more courts or
55 agencies of the unified court system. In order for a nonjudicial officer
56 or employee's years of service in the employ of the unified court system

1 to be "continuous," he or she must have served the equivalent of 120
2 workdays in each of those years; and the number of years required to
3 qualify for a bonus hereunder must be served consecutively except that
4 they may be interrupted by one or more breaks of not more than 1 year
5 each, attributable to a period of time between any separation from his
6 or her position in the employ of the unified court system and resumption
7 of service in such employ.

8 (b) Effective April 1, 2011, each such nonjudicial officer and employ-
9 ee in the employ of the unified court system having at least 20 years of
10 continuous service in the employ of the unified court system as of the
11 preceding March 31 shall receive a bonus equaling: (i) 1,900 dollars, if
12 he or she has less than 25 years of such service as of such date; or
13 (ii) 2,000 dollars, if he or she has at least 25 but less than 30 years
14 of such service as of such date; or (iii) 2,100 dollars, if he or she
15 has at least 30 years of such service as of such date.

16 (c) Effective April 1, 2012, each such nonjudicial officer and employ-
17 ee in the employ of the unified court system having at least 20 years of
18 continuous service in the employ of the unified court system as of the
19 preceding March 31 shall receive a bonus equaling: (i) 1,900 dollars, if
20 he or she has less than 25 years of such service as of such date; or
21 (ii) 2,000 dollars, if he or she has at least 25 but less than 30 years
22 of such service as of such date; or (iii) 2,100 dollars, if he or she
23 has at least 30 years of such service as of such date.

24 (d) Effective April 1, 2013, each such nonjudicial officer and employ-
25 ee in the employ of the unified court system having at least 20 years of
26 continuous service in the employ of the unified court system as of the
27 preceding March 31 shall receive a bonus equaling: (i) 1,900 dollars, if
28 he or she has less than 25 years of such service as of such date; or
29 (ii) 2,000 dollars, if he or she has at least 25 but less than 30 years
30 of such service as of such date; or (iii) 2,100 dollars, if he or she
31 has at least 30 years of such service as of such date.

32 (e) Effective April 1, 2014, each such nonjudicial officer and employ-
33 ee in the employ of the unified court system having at least 20 years of
34 continuous service in the employ of the unified court system as of the
35 preceding March 31 shall receive a bonus equaling: (i) 1,900 dollars, if
36 he or she has less than 25 years of such service as of such date; or
37 (ii) 2,000 dollars, if he or she has at least 25 but less than 30 years
38 of such service as of such date; or (iii) 2,100 dollars, if he or she
39 has at least 30 years of such service as of such date.

40 (f) Effective October 1, 2014, the basic annual salary of each such
41 nonjudicial officer and employee shall be increased by an amount equal
42 to 2 percent thereof (and then rounded up to the nearest dollar).

43 (g) Effective April 1, 2015:

44 (1) The basic annual salary of each such nonjudicial officer and
45 employee shall be increased by an amount equal to 2 percent thereof (and
46 then rounded up to the nearest dollar).

47 (2) Each such nonjudicial officer and employee in the employ of the
48 unified court system having at least 20 years of continuous service in
49 the employ of the unified court system as of the preceding March 31
50 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less
51 than 25 years of such service as of such date; or (ii) 2,000 dollars, if
52 he or she has at least 25 but less than 30 years of such service as of
53 such date; or (iii) 2,100 dollars, if he or she has at least 30 years of
54 such service as of such date.

1 (h) Effective April 1, 2016, the basic annual salary of each such
2 nonjudicial officer and employee shall be increased by an amount equal
3 to 2 percent thereof (and then rounded up to the nearest dollar).

4 (i) Effective March 31, 2017, each such nonjudicial officer and
5 employee in the employ of the unified court system shall receive a one-
6 time lump sum payment of 750 dollars, which shall not be added to his or
7 her basic annual salary but shall be included as compensation for
8 retirement purposes.

9 S 5. Location pay. (a) Notwithstanding any other provision of law:

10 (1) Effective during the fiscal year commencing April 1, 2011 and
11 during each fiscal year commencing each April 1 thereafter, any nonjudi-
12 cial officer or employee to whom the provisions of section three or four
13 of this act apply and whose principal place of employment is in the city
14 of New York or Nassau, Suffolk, Rockland or Westchester county shall
15 receive location pay at a rate of 3,697 dollars annually;

16 (2) Effective during the fiscal year commencing April 1, 2011 and
17 during each fiscal year commencing each April 1 thereafter, any nonjudi-
18 cial officer or employee to whom the provisions of section three or four
19 of this act apply and whose principal place of employment is in Dutch-
20 ess, Putnam or Orange county shall receive location pay at a rate of
21 1,848 dollars annually; and

22 (3) Effective during the fiscal year commencing April 1, 2011 and
23 during each fiscal year commencing each April 1 thereafter, any nonjudi-
24 cial officer or employee to whom the provisions of section three or four
25 of this act apply and whose principal place of employment is in Monroe
26 county and who, on March 31, 1985, was receiving annual location pay
27 shall continue to receive location pay, at a rate of 200 dollars annual-
28 ly.

29 (b) The location pay provided in this section shall be in lieu of any
30 other location pay provided by law; except that, where a nonjudicial
31 officer or employee eligible to receive location pay pursuant to the
32 provisions of this section has received location pay during a fiscal
33 year commencing on or after April 1, 2011, pursuant to law other than a
34 provision of this act, the amount of location pay authorized by this
35 section shall be reduced by the amount of the location pay that was
36 received.

37 (c) Except as provided in subdivision (a) of this section, no nonjudi-
38 cial officer or employee to whom the provisions of section three or four
39 of this act apply shall receive location pay. Any location pay author-
40 ized hereunder shall be in addition to and shall not be a part of an
41 employee's basic annual salary and shall not impair rights or benefits
42 to which an employee may be entitled by law; provided, however, that
43 location pay shall be included as compensation for purposes of computa-
44 tion of overtime pay and for retirement purposes. Location pay, as
45 provided in this section, shall be prorated for any nonjudicial officer
46 or employee to whom the provisions of section three or four of this act
47 apply and whose position is part-time, but not compensated on a per diem
48 or hourly basis.

49 S 6. Contingent pay withholding. (a) This section shall apply only in
50 the fiscal years commencing April 1, 2015 and April 1, 2016.

51 (b) In the event that all of the itemized estimates of the annual
52 financial needs of the unified court system for a fiscal year to which
53 this section applies, as transmitted to the governor in accordance with
54 section 1 of article 7 of the constitution, do not become law, the chief
55 administrator of the courts may direct that, notwithstanding subdivision
56 1 of section 200 of the state finance law or any other provision of law

1 to the contrary, in each of the last four bi-weekly payroll periods
2 commencing during such fiscal year up to one-half day's salary or wages
3 shall be withheld from each nonjudicial officer and employee to whom the
4 provisions of section three or four of this act apply. Where the chief
5 administrator directs that salary or wages be withheld hereunder, each
6 portion of a day's salary or wages so withheld from a nonjudicial offi-
7 cer or employee shall thereafter be paid to him or her when he or she
8 leaves service in the employ of the unified court system, as defined in
9 paragraph (iii) of subdivision (a) of section three of this act, at
10 rates then in effect.

11 (c) Any direction by the chief administrator pursuant to subdivision
12 (b) of this section that salary or wages be withheld must be reported to
13 the comptroller not later than January 15 of the fiscal year in which
14 such withholding will occur, with prior notice to the employee organiza-
15 tion that represents affected nonjudicial officers and employees.

16 S 7. Application of this act to nonjudicial officers and employees of
17 the unified court system in other negotiating units. In the event that,
18 on or after the date on which this section shall become law, a collec-
19 tive bargaining agreement is negotiated by the unified court system
20 pursuant to article fourteen of the civil service law with an employee
21 organization representing nonjudicial officers and employees of the
22 unified court system in a negotiating unit other than the state negoti-
23 ating unit, the chief administrator of the courts, with the agreement of
24 such employee organization, shall deliver to the comptroller a certif-
25 icate that such collective bargaining agreement is in effect where the
26 provisions of sections three, four, five and six of this act are
27 provided for therein.

28 S 8. Collective bargaining agreement required. The provisions of
29 sections three, four, five and six of this act shall not be implemented
30 for nonjudicial officers and employees in a collective negotiating unit
31 established pursuant to article fourteen of the civil service law until
32 the chief administrator of the courts shall deliver to the comptroller a
33 certificate that there is in effect with respect to such negotiating
34 unit a written collective bargaining agreement with the state pursuant
35 to article fourteen of the civil service law which provides therefor;
36 and any increase in compensation, including increases in basic annual
37 salary, increments or partial increments, bonuses, lump sum payments, or
38 longevity payments, provided by sections three, four and five of this
39 act or otherwise authorized by law:

40 (a) may be withheld in whole or in part from any nonjudicial officer
41 or employee not in a collective negotiating unit when in the opinion of
42 the chief administrator, such increase is not warranted or is not appro-
43 priate; and

44 (b) shall not preclude any other increases in compensation for such a
45 nonjudicial officer or employee as may be authorized by law.

46 S 9. Date of entitlement to salary increase. Notwithstanding the
47 provisions of this act or any other law, each increase in salary or
48 compensation for nonjudicial officers or employees provided by this act
49 shall be added to the salary or compensation of such officer or employee
50 at the beginning of the payroll period the first day of which is nearest
51 to the effective date of such increase as provided in this act;
52 provided, however, for the purposes of determining the salary of such
53 officer or employee upon reclassification, reallocation, appointment,
54 promotion, transfer, demotion, reinstatement or other change of status,
55 such salary increase shall be deemed to be effective on the date thereof
56 as prescribed in this act, and the payment thereof pursuant to this

1 section on the date prior thereto instead of on such effective date,
2 shall not operate to confer any additional salary rights or benefits on
3 such officer or employee.

4 S 10. Deferred payment of salary increase. Notwithstanding the
5 provisions of this act or any other law, commencing April 1, 2011, and
6 pending payment pursuant to this act of the basic annual salaries of
7 incumbents of positions subject to this act commencing April 1, 2011,
8 such incumbents shall receive, as partial compensation for services
9 rendered, the rate of compensation otherwise payable in their respective
10 positions pursuant to law then in effect. An incumbent holding a posi-
11 tion subject to this act at any time during the period from April 1,
12 2011 until the time when basic annual salaries are first paid pursuant
13 to this act for such service in excess of the compensation actually
14 received therefor shall be entitled to a lump sum payment for the
15 difference between the salary to which such incumbent is entitled for
16 such service and the compensation actually received therefor. Such lump
17 sum payment shall be made as soon as practicable.

18 S 11. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2011.