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

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2013-2014 Regular Sessions

I N A S S E M B L Y

May 1, 2013

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the legislative law, in relation to certain benefits provided pursuant to collective bargaining agreements

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

Section 1. Subdivision 1 of section 167 of the civil service law, as amended by chapter 582 of the laws of 1988, paragraph (a) as amended by section 7 of part T of chapter 56 of the laws of 2010 and paragraph (b) as amended by chapter 317 of the laws of 1995, is amended to read as follows:

1. (a) The full cost of premium or subscription charges for the coverage of retired state employees who are enrolled in the statewide and the supplementary health benefit plans established pursuant to this article and who retired prior to January first, nineteen hundred eighty-three shall be paid by the state. Nine-tenths of the cost of premium or subscription charges for the coverage of state employees and retired state employees retiring on or after January first, nineteen hundred eighty-three *AND PRIOR TO OCTOBER FIRST, TWO THOUSAND ELEVEN* who are enrolled in the statewide and supplementary health benefit plans shall be paid by the state. Three-quarters of the cost of premium or subscription charges for the coverage of dependents of such state employees and retired state employees shall be paid by the state. Except as provided in paragraph (b) of this subdivision, the state shall contribute toward the premium or subscription charges for the coverage of each state employee or retired state employee who is enrolled in an optional benefit plan and for the dependents of such state employee or retired state employee the same dollar amount which would be paid by the state for the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents if he

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

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or she were enrolled in the statewide and the supplementary health benefit plans, but not in excess of the premium or subscription charges for the coverage of such state employee or retired state employee and his or her dependents under such optional benefit plan. For purposes of this subdivision, employees of the state colleges of agriculture, home economics, industrial labor relations, and veterinary medicine, the state agricultural experiment station at Geneva, and any other institution or agency under the management and control of Cornell university as the representative of the board of trustees of the state university of New York, and employees of the state college of ceramics under the management and control of Alfred university as the representative of the board of trustees of the state university of New York, shall be deemed to be state employees whose salaries or compensation are paid directly by the state.

(b) Effective January first, nineteen hundred eighty-nine, notwithstanding any other law, rule or regulation, and where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides or where and to the extent the employee health insurance council so directs with respect to any other state employees and for retired state employees retiring on or after January first, nineteen hundred eighty-three AND PRIOR TO OCTOBER FIRST, TWO THOUSAND ELEVEN, the state shall contribute nine-tenths of the cost of premiums or subscription charges for coverage of each such state employee or retired state employee who is enrolled in an optional benefit plan and three-fourths of such premium or subscription charges for dependents of such state employees or retired state employees enrolled in such optional benefit plan; provided, however, effective January first, nineteen hundred ninety-six, the contribution rates for the hospitalization and medical components of each optional benefit plan shall not exceed one hundred percent of the dollar amount of the state's contribution toward the hospitalization and medical components of individual and dependent coverage, respectively, in the Empire Plan. In the case of state employees retiring prior to January first, nineteen hundred eighty-three, the state shall contribute one hundred percent of the individual premium and three-fourths of such premium for dependents of such retired employees enrolled in such optional benefit plan; however, these contribution rates shall not exceed one hundred percent of the employer dollar amount contribution for individual and dependent coverage respectively in the Empire Plan.

(C) EFFECTIVE OCTOBER FIRST, TWO THOUSAND ELEVEN, NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION, AND WHERE, AND TO THE EXTENT THAT, AN AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER SO PROVIDES, THE STATE'S CONTRIBUTION FOR COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF STATE EMPLOYEES AND RETIRED STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN SHALL BE:

(I) FOR STATE EMPLOYEES EMPLOYED IN A TITLE ALLOCATED OR EQUATED TO SALARY GRADE NINE OR BELOW, THE STATE SHALL CONTRIBUTE EIGHTY-EIGHT PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE FOR AN OPTIONAL BENEFIT PLAN AND SEVENTY-THREE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION

RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

(II) FOR STATE EMPLOYEES EMPLOYED IN A TITLE ALLOCATED OR EQUATED TO SALARY GRADE TEN OR ABOVE, THE STATE SHALL CONTRIBUTE EIGHTY-FOUR PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SIXTY-NINE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

(III) FOR RETIRED STATE EMPLOYEES RETIRING ON OR AFTER OCTOBER FIRST, TWO THOUSAND ELEVEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, THE STATE SHALL CONTRIBUTE EIGHTY-EIGHT PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SEVENTY-THREE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

(IV) FOR RETIRED STATE EMPLOYEES RETIRING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE FROM A TITLE ALLOCATED OR EQUATED TO SALARY GRADE NINE OR BELOW, THE STATE SHALL CONTRIBUTE EIGHTY-EIGHT PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SEVENTY-THREE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

(V) FOR RETIRED STATE EMPLOYEES RETIRING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE FROM A TITLE ALLOCATED OR EQUATED TO SALARY GRADE TEN OR ABOVE, THE STATE SHALL CONTRIBUTE EIGHTY-FOUR PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSU-

ANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SIXTY-NINE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

(D) NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION, FOR THE PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF RETIRED STATE EMPLOYEES RETIRING ON AND AFTER OCTOBER FIRST, TWO THOUSAND ELEVEN ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS OR AN OPTIONAL BENEFIT PLAN ESTABLISHED PURSUANT TO THIS ARTICLE THE STATE'S CONTRIBUTION RATE FOR INDIVIDUAL AND DEPENDENT COVERAGE SHALL EQUAL THE CONTRIBUTION RATE IN EFFECT ON THE DATE THAT THE STATE EMPLOYEE RETIRED; IF, HOWEVER, SUCH RETIRED STATE EMPLOYEE'S SERVICE TERMINATED PRIOR TO RETIREMENT AND SUCH RETIRED STATE EMPLOYEE WAS ENTITLED TO A VESTED RETIREMENT ALLOWANCE PURSUANT TO THE RETIREMENT AND SOCIAL SECURITY LAW ON THE DATE HIS OR HER SERVICE TERMINATED AND SUCH RETIRED STATE EMPLOYEE MAINTAINED HIS OR HER ENROLLMENT IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS OR AN OPTIONAL BENEFIT PLAN ESTABLISHED PURSUANT TO THIS ARTICLE THE STATE'S CONTRIBUTION RATE FOR INDIVIDUAL AND DEPENDENT COVERAGE SHALL EQUAL THE CONTRIBUTION RATE IN EFFECT ON THE DATE THAT SUCH RETIRED STATE EMPLOYEE'S SERVICE TERMINATED; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

S 2. Subdivision 8 of section 167 of the civil service law, as amended by section 2 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

8. Notwithstanding any inconsistent provision of law, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides, the state cost of premium or subscription charges for eligible employees covered by such agreement may be modified pursuant to the terms of such agreement. The president, with the approval of the director of the budget, may extend the modified state cost of premium or subscription charges for STATE employees [or retirees] not subject to an agreement referenced above and shall promulgate the necessary rules or regulations to implement this provision.

S 3. The legislative law is amended by adding a new section 49 to read as follows:

S 49. LEGISLATION IMPLEMENTING COLLECTIVE BARGAINING AGREEMENTS. LEGISLATION WHICH ENACTS OR AMENDS ANY PROVISION OF LAW FOR THE PURPOSE OF IMPLEMENTING AN AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SHALL BE LIMITED TO THE PROVISIONS NECESSARY TO IMPLEMENT SUCH AGREEMENT.

S 4. This act shall take effect immediately provided that sections one and two of this act shall be deemed to have been in effect on October 1, 2011. All premiums paid by retired state employees in excess of those

consistent with the provisions of this act shall be returned to such retired state employees, or to their estate, as the case may be, by the comptroller as soon as practicable, but in no event later than sixty days after such effective date.