

S. 7857

A. 10116

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

June 15, 2014

IN SENATE -- Introduced by Sen. LAVALLE -- (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 COMMITTEE ON RULES -- (at request of M. of
A. Abbate) -- (at request of the Governor) -- read once and referred
to the Committee on Ways and Means

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

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

1 Section 1. Adjustment to stipends of certain incumbents in the state
2 university of New York. (a) The stipend as of academic year 2009-2010
3 for an incumbent of a position in the state university of New York in
4 the collective negotiating unit designated as the state university grad-
5 uate student negotiating unit in the state university of New York estab-
6 lished pursuant to article 14 of the civil service law, on September 30,
7 2009, shall be increased by two percent, rounded up to the next dollar,
8 commencing the beginning of the payroll period the first day of which is
9 nearest to October 1, 2009. "Incumbent," as referenced in this subdivi-
10 sion, shall be defined as members of the state university graduate
11 student negotiating unit established pursuant to article 14 of the civil
12 service law who were employed by the state university of New York on the
13 effective date of the increase and at the time of payment.

14 (b) The stipend as of academic year 2010-2011 for an incumbent of a
15 position in the state university of New York in the collective negotiat-
16 ing unit designated as the state university graduate student negotiating

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

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unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2010, shall be increased by three percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2010. "Incumbent," as referenced in this subdivision, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York on the effective date of the increase and at the time of payment.

(c) For academic year 2011-2012, an incumbent of a position in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, shall receive a non-recurring lump sum payment in the amount of \$500, at the beginning of the payroll period the first day of which is nearest to October 1, 2014. "Incumbent," as referenced in this subdivision, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York during academic year 2011-2012 (defined as the period July 2, 2011 to July 1, 2012) and at the time of payment. No incumbent as defined in subdivisions (a) or (b) of this section are eligible to receive this non-recurring lump sum payment. Employees to whom the provisions of this subdivision apply who are employed in less than full assistantships at the time of payment pursuant to this section shall be entitled to a non-recurring lump sum payment of \$250.

(d) The stipend as of academic year 2014-2015 for an incumbent of a position in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2014, shall be increased by two percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2014. "Incumbent," as referenced in this subdivision, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York on the effective date of the increase and at the time of payment.

(e) The stipend as of academic year 2015-2016 for an incumbent of a position in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2015, shall be increased by two percent, rounded up to the next dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2015. "Incumbent," as referenced in this subdivision, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York on the effective date of the increase and at the time of payment.

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

(ii) The minimum stipend for academic year 2009-2010 shall increase by two percent to \$8,758 annually for employees on full assistantships at

1 university center campuses effective concurrent with the effective date
2 of the increase in subdivision (a) of this section commencing the begin-
3 ning of the payroll period the first day of which is nearest to October
4 1, 2009.

5 (iii) The minimum stipend for academic year 2010-2011 shall increase
6 by three percent to be \$9,021 annually for employees on full assistant-
7 ships at university center campuses effective concurrent with the effec-
8 tive date of the increase in subdivision (b) of this section commencing
9 the beginning of the payroll period the first day of which is nearest to
10 October 1, 2010.

11 (iv) The minimum stipend for academic year 2014-2015 shall increase by
12 two percent to be \$9,201 annually for employees on full assistantships
13 at university center campuses effective concurrent with the effective
14 date of the increase in subdivision (d) of this section commencing the
15 beginning of the payroll period the first day of which is nearest to
16 October 1, 2014.

17 (v) The minimum stipend for academic year 2015-2016 shall increase by
18 two percent to be \$9,385 annually for employees on full assistantships
19 at university center campuses effective concurrent with the effective
20 date of the increase in subdivision (e) of this section commencing the
21 beginning of the payroll period the first day of which is nearest to
22 October 1, 2015.

23 (vi) Nothing herein shall prevent the state university of New York, in
24 its discretion, from increasing amounts paid to an incumbent of a posi-
25 tion of the state university graduate student negotiating unit in the
26 state university of New York established pursuant to article 14 of the
27 civil service law in addition to the minimum stipend provided, however,
28 that the amounts required for such other increases and the cost of
29 fringe benefits attributable to such other increases, as determined by
30 the comptroller, are made available to the state in accordance with
31 procedures established by the state university of New York.

32 (g) Notwithstanding any of the foregoing provisions of this section,
33 any increase in compensation or lump sum payment may be withheld in
34 whole or in part from any employee to whom the provisions of this
35 section are applicable when, in the opinion of the chancellor of the
36 state university of New York, the director of the budget, and the direc-
37 tor of the governor's office of employee relations, such increase is not
38 warranted or is not appropriate.

39 S 2. Doctoral program recruitment and retention enhancement fund.
40 There is hereby continued, within the state university of New York, a
41 doctoral program recruitment and retention enhancement fund from the
42 amounts appropriated herein. Such fund shall be used to enhance employee
43 compensation for the purpose of recruitment and retention of new and
44 existing doctoral students in selected programs. The specific doctoral
45 programs eligible for enhanced compensation pursuant to this section
46 shall be at the discretion of the state university of New York. Pursuant
47 to the terms of the collective bargaining agreement, these funds may be
48 reallocated for use by other joint committees upon mutual agreement of
49 the parties. To be eligible for such payment, an employee must be
50 employed on or after July 2, 2014 and at the time of payment. This
51 program shall expire July 1, 2016.

52 S 3. Comprehensive college graduate program recruitment and retention
53 fund. There is hereby continued, within the state university of New
54 York, a comprehensive college graduate program recruitment and retention
55 fund from the amounts appropriated herein. Such fund shall be used to
56 enhance employee compensation for the purpose of recruitment and

1 retention of new and existing graduate students in selected degree
2 programs. The specific graduate degree programs eligible for enhanced
3 compensation pursuant to this section shall be at the discretion of the
4 state university of New York. Pursuant to the terms of the collective
5 bargaining agreement, these funds may be reallocated for use by other
6 joint committees upon mutual agreement of the parties. To be eligible
7 for such payment, an employee must be employed on or after July 2, 2014
8 and at the time of payment. This program shall expire July 1, 2016.

9 S 4. Fee mitigation fund. There is hereby continued, within the state
10 university of New York, a fee mitigation fund from the amounts appropri-
11 ated herein. Such fund shall be used for the purpose of funding the cost
12 of various fees, including but not limited to technology fees. Pursuant
13 to the terms of the collective bargaining agreement, these funds may be
14 reallocated for use by other joint committees upon mutual agreement of
15 the parties. To be eligible for such payment, an employee must be
16 employed on or after July 2, 2014 and at the time of payment. This
17 program shall expire July 1, 2016.

18 S 5. Downstate location fund. There is hereby continued, within the
19 state university of New York, a downstate location fund from the amounts
20 appropriated herein. Such fund shall be used for the purpose of funding
21 location adjustments in the downstate area for employees whose work site
22 is New York City, Suffolk, Nassau, Rockland, Westchester, Dutchess,
23 Putnam or Orange counties. The specific location adjustments funded
24 pursuant to this section shall be at the discretion of the state univer-
25 sity of New York. Pursuant to the terms of the collective bargaining
26 agreement, these funds may be reallocated for use by other joint commit-
27 tees upon mutual agreement of the parties. To be eligible for such
28 payment, an employee must be employed on or after July 2, 2014 and at
29 the time of payment. This program shall expire July 1, 2016.

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

42 S 7. Employee assistance program. Pursuant to the terms of an agree-
43 ment negotiated between the state and the employee organization repres-
44 enting the collective negotiating unit designated as the state universi-
45 ty graduate student negotiating unit in the state university of New York
46 established pursuant to article 14 of the civil service law, there shall
47 be continued an employee assistance program to be administered in
48 accordance with such agreement within the appropriations made available
49 therefor. Pursuant to the terms of the collective bargaining agreement,
50 these funds may be reallocated for use by other joint committees upon
51 mutual agreement of the parties. This program shall expire July 1, 2016.

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

1 there shall be continued a professional development committee to review,
2 make recommendations and implement programs for professional develop-
3 ment. Such program shall be administered in accordance with such agree-
4 ment within the appropriations made available therefor. Pursuant to the
5 terms of the collective bargaining agreement, these funds may be reallo-
6 cated for use by other joint committees upon mutual agreement of the
7 parties. This program shall expire July 1, 2016.

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

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

30 S 11. The stipend increases, lump sum payment and benefit modifica-
31 tions provided for by this act for state employees and any incumbent, as
32 defined by section one of this act, in the collective negotiating unit
33 designated as the state university graduate student negotiating unit in
34 the state university of New York established pursuant to article 14 of
35 the civil service law shall not be implemented until the director of
36 employee relations has delivered to the director of the budget and the
37 comptroller a letter certifying that there is in effect with respect to
38 such negotiating unit a collective negotiating agreement which provides
39 for such increases and modifications and which is ratified and fully
40 executed in writing with the state pursuant to article 14 of the civil
41 service law.

42 S 12. Date of entitlement to stipend increase. Notwithstanding the
43 provisions of this act or of any other provision of law to the contrary,
44 the stipend increase of any incumbent, as defined by section one of this
45 act, of the collective negotiating unit designated as the state univer-
46 sity graduate student negotiating unit in the state university of New
47 York established pursuant to article 14 of the civil service law, as
48 provided by this act, shall be added to the stipend of such incumbent at
49 the beginning of the payroll period the first day of which is nearest to
50 the effective date of such increase as provided in this act, or at the
51 beginning of the earlier of two payroll periods the first days of which
52 are nearest but equally near to the effective date of such increase as
53 provided in this act; provided, however, that for the purposes of deter-
54 mining the stipend of such employee upon reclassification, reallocation,
55 appointment, promotion, transfer, demotion, reinstatement or other
56 change of status, such stipend increase shall be deemed to be effective

1 on the date thereof as prescribed by this act, and the payment thereof
2 pursuant to this section on a date prior thereto, instead of on such
3 effective date, shall not operate to confer any additional compensation
4 rights or benefits on such employee. Payment of such stipend increase
5 may be deferred pursuant to section thirteen of this act.

6 S 13. Deferred payment of stipend increase. Notwithstanding the
7 provisions of this act, or of any other provision of law to the contra-
8 ry, pending payment of stipends pursuant to this act for any incumbent,
9 as defined by section one of this act, of positions subject to this act,
10 such incumbent shall receive, as partial compensation for services
11 rendered, the stipends otherwise payable in their respective position.
12 An incumbent, as defined by section one of this act, holding a position
13 subject to this act at any time during the period from July 2, 2009,
14 until the time when stipend increases are first paid pursuant to this
15 act for such services in excess of the compensation actually received
16 therefor, shall be entitled to a lump sum payment for the difference
17 between the stipend to which such incumbent is entitled for such service
18 and the stipend actually received therefor. Such lump sum payment shall
19 be made as soon as practicable.

20 S 14. Use of appropriations. Notwithstanding any provision of the
21 state finance law or any other provision of law to the contrary, the
22 state comptroller is authorized to pay any amounts required by the fore-
23 going provisions of this act. To the extent that existing appropriations
24 available to any state department or agency in any fund are insufficient
25 to accomplish the purposes set forth in this section, the director of
26 the budget is authorized to allocate to the various departments and
27 agencies, from any appropriations available in any fund, the amounts
28 necessary to make such payments. Any appropriations or other funds
29 available to any state department or agency for personal service or for
30 other related employee benefits during the fiscal year commencing April
31 1, 2014 shall be available for the payment of any liabilities or obli-
32 gations incurred pursuant to the foregoing provisions of this act,
33 whether occurring prior to or during the state fiscal year commencing
34 April 1, 2014.

35 S 15. Notwithstanding any law to the contrary, and in accordance with
36 section 4 of the state finance law, the comptroller is hereby authorized
37 and directed to transfer, upon request of the director of the budget, up
38 to \$2,695,000 from the general fund to the state university income fund
39 (345) to carry out the provisions of section sixteen of this act.

40 S 16. Appropriations. Notwithstanding any provision of the state
41 finance law or any other provision of law to the contrary, the several
42 amounts as hereinafter set forth in this section are hereby appropriated
43 from the funds so designated for use by any state department or agency
44 for the fiscal year beginning April 1, 2014 to supplement appropriations
45 from each respective fund available for personal service, other than
46 personal service and fringe benefits, and to carry out the provisions of
47 this act. Moreover, the amounts appropriated as non-personal service may
48 be sub-allocated to any state department or agency as needed. The monies
49 hereby appropriated are available for payment of any liabilities or
50 obligations incurred prior to or during the state fiscal year commencing
51 April 1, 2014 in addition to liabilities or obligations associated with
52 the state fiscal year commencing April 1, 2009. For this purpose, these
53 appropriations shall remain in full force and effect for the payment of
54 liabilities incurred on or before April 1, 2014. No money shall be
55 available for expenditure from this appropriation until a certification
56 of approval has been issued by the director such certificate or any

1 amendment thereto has been filed with the state comptroller, the chair-
2 person of the senate finance committee, and the chairperson of the
3 assembly ways and means committee.

4 ALL STATE DEPARTMENTS AND AGENCIES

5 General Fund - State Purposes Account

6 MAINTENANCE UNDISTRIBUTED

7 Doctoral Program Recruitment and Retention Enhancement
8 Fund.....\$670,000
9 Comprehensive College Graduate Program
10 Recruitment and Retention Fund.....\$196,000
11 Fee Mitigation Fund.....\$578,000
12 Downstate Location Fund.....\$351,000
13 Family Benefits Program.....\$84,000
14 Statewide Professional Development Committee.....\$168,000
15 Employee Assistance Program.....\$12,000

16 Special Revenue Funds - Other
17 State University Income Fund - 345

18 Personal Service.....\$2,695,000

19 Miscellaneous Special Revenue Fund - 339

20 Personal Service.....\$28,000

21 S 17. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after July 2, 2009.