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

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:

Section 1. Legislative findings. The legislature finds that a collective bargaining agreement has been negotiated by the unified court system with an employee organization representing nonjudicial officers and employees in the state judiciary negotiating unit. The purpose of this act is to implement this agreement and any other collective bargaining agreement negotiated by the unified court system with an employee organization where, pursuant to section seven hereof, the chief administrator of the courts has delivered a certificate to the comptroller that such collective bargaining agreement is in effect; and to provide increases in compensation for nonjudicial officers and employees of the unified court system not in collective negotiating units. References in this act to the unified court system's classification structure shall mean the classification structure established by the chief administrator of the courts on May 28, 1979, as amended since that date. References to the April, 2010 salary schedule shall mean the salary schedule promulgated by the chief administrator of the courts pursuant to subdivision (d) of section 2 of chapter 276 of the laws of 2008. References to the October, 2014 salary schedule, the April, 2015 salary schedule and the April, 2016 salary schedule shall mean the salary schedules promulgated by the chief administrator pursuant to subdivisions (a), (b) and (c) of section two of this act, respectively.

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

(a) Effective October 1, 2014, each of the rates of pay established by the April, 2010 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);

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.

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

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

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

(A) a nonjudicial officer or employee's basic annual salary on a specified date; and

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

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

(b) Effective April 1, 2011:

(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, 2010 salary schedule.

(2) 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.

(c) Effective April 1, 2012:

(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, 2010 salary schedule.

(2) 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.

(d) Effective April 1, 2013:

(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, 2010 salary schedule.

(2) 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.

(e) Effective April 1, 2014:

(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, 2010 salary schedule.

(2) 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.

(f) Effective October 1, 2014, each such nonjudicial officer and employee shall be placed in his or her grade on the October, 2014 salary 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

subdivision, is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year or maximum 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, 2016 salary schedule; or

(ii) If his or her basic annual salary under the April, 2015 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 or maximum 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).

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

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

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

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

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

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

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

(b) Effective April 1, 2011, 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.

(c) Effective April 1, 2012, 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.

(d) Effective April 1, 2013, 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.

(e) Effective April 1, 2014, 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.

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

(g) Effective April 1, 2015:

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

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

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

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

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

(2) Effective during the fiscal year commencing April 1, 2011 and during each fiscal year commencing each April 1 thereafter, any nonjudicial officer or employee to whom the provisions of section three or four of this act apply and whose principal place of employment is in Dutchess, Putnam or Orange county shall receive location pay at a rate of 1,848 dollars annually; and

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

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

(c) Except as provided in subdivision (a) of this section, no nonjudicial officer or employee to whom the provisions of section three or four of this act apply shall receive location pay. Any location pay authorized hereunder shall be in addition to and shall not be a part of an employee's basic annual salary and shall not impair rights or benefits to which an employee may be entitled by law; provided, however, that location pay shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. Location pay, as provided in this section, shall be prorated for any nonjudicial officer or employee to whom the provisions of section three or four of this act apply and whose position is part-time, but not compensated on a per diem or hourly basis.

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

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

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

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

S 7. Application of this act to nonjudicial officers and employees of the unified court system in other negotiating units. In the event that, on or after the date on which this section shall become law, a collective bargaining agreement is negotiated by the unified court system pursuant to article fourteen of the civil service law with an employee organization representing nonjudicial officers and employees of the unified court system in a negotiating unit other than the state negotiating unit, the chief administrator of the courts, with the agreement of such employee organization, shall deliver to the comptroller a certificate that such collective bargaining agreement is in effect where the provisions of sections three, four, five and six of this act are provided for therein.

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

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

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

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

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

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

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