

4725

2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. MONTESANO, LUPARDO -- Multi-Sponsored by -- M. of A. RABBITT -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the general municipal law, in relation to salary increases for heads of police departments of municipalities, districts or authorities

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

1 Section 1. The general municipal law is amended by adding a new
2 section 207-m to read as follows:
3 S 207-M. SALARY INCREASES FOR HEADS OF POLICE DEPARTMENTS OF MUNICI-
4 PALITIES, DISTRICTS OR AUTHORITIES. 1. NOTWITHSTANDING THE PROVISIONS OF
5 ANY GENERAL, SPECIAL OR LOCAL LAW OR ADMINISTRATIVE CODE TO THE CONTRA-
6 RY, AND EXCEPT IN POLICE DEPARTMENTS WHICH EMPLOY FIVE HUNDRED SEVENTY-
7 FIVE OR MORE PERMANENT SWORN POLICE PERSONNEL, WHENEVER THE BASE SALARY
8 OR OTHER COMPENSATION OF THE PERMANENT FULL-TIME POLICE OFFICER WHO IS A
9 MEMBER OF A NEGOTIATING UNIT AND WHO IS THE HIGHEST RANKING SUBORDINATE
10 TO THE HEAD OF THE POLICE DEPARTMENT IN SUCH UNIT, IS INCREASED, THE
11 SALARY, AS DEFINED IN SUBDIVISION TWO OF THIS SECTION, OF THE PERMANENT
12 FULL-TIME HEAD OF THE POLICE DEPARTMENT SHALL BE INCREASED BY AT LEAST
13 THE SAME DOLLAR AMOUNT OF THE BASE SALARY INCREASE RECEIVED BY SUCH NEXT
14 SUBORDINATE POLICE OFFICER, AND THE OTHER COMPENSATION, AS DEFINED IN
15 SUBDIVISION TWO OF THIS SECTION, OF THE PERMANENT FULL-TIME HEAD OF THE
16 POLICE DEPARTMENT SHALL BE INCREASED TO THE SAME EXTENT AND WITH THE
17 SAME CONDITIONS AS THE OTHER COMPENSATION RECEIVED BY THE NEXT SUBORDI-
18 NATE POLICE OFFICER IN THE EVENT THAT SUCH SUBORDINATE OFFICER'S OTHER
19 COMPENSATION IS INCREASED. THE PROVISIONS OF THIS SECTION SHALL NOT
20 APPLY TO ANY HEAD OF A POLICE DEPARTMENT WHO IS A MEMBER OF A COLLECTIVE
21 NEGOTIATING UNIT ESTABLISHED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL
22 SERVICE LAW.

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

LBD08597-01-3

1 2. FOR THE PURPOSES OF THIS SECTION, SALARY SHALL MEAN FIXED PERIODIC
2 COMPENSATION PAYABLE BY AN EMPLOYER TO OR FOR THE ACCOUNT OF THE EMPLOY-
3 EE FOR PERSONAL SERVICES RENDERED BY SUCH EMPLOYEE; OTHER COMPENSATION
4 SHALL MEAN ALL OTHER FORMS OF BENEFITS WHICH ARE CREDITED TO EMPLOYEES
5 AS A TERM OF EMPLOYMENT, WHICH SHALL SPECIFICALLY INCLUDE, BUT NOT BE
6 LIMITED TO, EMPLOYER CONTRIBUTION TO OR PAYMENTS OF INSURANCE OR WELFARE
7 BENEFITS AND EMPLOYER CONTRIBUTIONS TO PENSION OR ANNUITY FUNDS. OVER-
8 TIME, HOLIDAY AND SHIFT DIFFERENTIAL PAY SHALL NOT BE CONSIDERED AS
9 SALARY OR OTHER COMPENSATION UNLESS BY RESOLUTION, ORDINANCE, SPECIAL OR
10 LOCAL LAW THE MUNICIPALITY, DISTRICT OR AUTHORITY ELECTS TO INCLUDE
11 THESE ITEMS OF COMPENSATION WITHIN THE EMPLOYMENT BENEFIT PACKAGE OF THE
12 PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT.

13 3. EMPLOYERS OF A PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT
14 COVERED BY THIS SECTION SHALL NOT BE REQUIRED TO COMPENSATE A NEWLY
15 APPOINTED PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT AT THE SAME
16 SALARY LEVEL AS THE PERMANENT FULL-TIME HEAD OF THE POLICE DEPARTMENT
17 WHO OCCUPIED THE POSITION IMMEDIATELY PRIOR TO SUCH APPOINTMENT. AFTER
18 SUCH APPOINTMENT, THE SALARY AND OTHER COMPENSATION OF A NEWLY APPOINTED
19 PERMANENT FULL-TIME HEAD OF POLICE SHALL BE SUBJECT TO SUBDIVISIONS ONE
20 AND TWO OF THIS SECTION.

21 S 2. This act shall take effect immediately.