

2953

2013-2014 Regular Sessions

I N S E N A T E

January 25, 2013

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT in relation to establishing a special commission on compensation for state employees designated managerial or confidential, and providing for its powers and duties

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

1 Section 1. (a) On the first of April of every fourth year, commencing  
2 April 1, 2013, there shall be established for such year a commission on  
3 managerial or confidential state employee compensation to examine, eval-  
4 uate and make recommendations with respect to adequate levels of compen-  
5 sation and non-salary benefits for managerial or confidential state  
6 employees. In accordance with the provisions of this section, the  
7 commission shall:  
8 (i) examine the prevailing adequacy of pay levels and non-salary bene-  
9 fits received by managerial or confidential employees of the state and  
10 determine whether any of such pay levels warrant adjustment; and  
11 (ii) determine whether, for any of the four years commencing on the  
12 first of April of such years, following the year in which the commission  
13 is established, the annual salaries for the managerial or confidential  
14 employees of the state warrant adjustment.  
15 In discharging its responsibilities under paragraphs (i) and (ii) of  
16 this subdivision, the commission shall take into account all appropriate  
17 factors including, but not limited to: the administrative withholding of  
18 managerial or confidential employee salary increases pursuant to chapter  
19 10 of the laws of 2008; the overall economic climate; rates of  
20 inflation; changes in public-sector spending; the levels of compensation  
21 and non-salary benefits received by unionized state employees; the main-  
22 tenance of or attainment of proper salary differential between supervi-  
23 sors and their subordinates; the levels of compensation and non-salary

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

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1 benefits received by professionals in government, and academia and  
2 private and nonprofit enterprise.

3 (b) The commission shall consist of seven members to be appointed as  
4 follows: three shall be appointed by the governor; one shall be  
5 appointed by the temporary president of the senate; one shall be  
6 appointed by the speaker of the assembly; one shall be appointed by the  
7 comptroller; and one shall be appointed by the Organization of NYS  
8 Management Confidential Employees. The governor shall designate the  
9 chair of the commission from among the members so appointed. Vacancies  
10 in the commission shall be filled in the same manner as original  
11 appointments. To the extent practicable, members of the commission shall  
12 have experience in one or more of the following: determination of execu-  
13 tive compensation, human resource administration and financial manage-  
14 ment.

15 (c) The commission may meet, hold public hearings and shall have all  
16 the powers of a legislative committee pursuant to the legislative law.

17 (d) The members of the commission shall receive no compensation for  
18 their services but shall be allowed their actual and necessary expenses  
19 incurred in the performance of their duties hereunder.

20 (e) No member of the commission shall be disqualified from holding any  
21 other public office or employment, nor shall he or she forfeit any such  
22 office or employment by reason of his or her appointment pursuant to  
23 this section, notwithstanding the provisions of any general, special or  
24 local law, regulation, ordinance or city charter.

25 (f) To the maximum extent feasible, the commission shall be entitled  
26 to request and receive and shall utilize and be provided with such  
27 facilities, resources and data of any court, department, division,  
28 board, bureau, commission, agency, office or public authority of the  
29 state or any political subdivision thereof as it may reasonably request  
30 to carry out properly its powers and duties pursuant to this section.

31 (g) The commission may request, and shall receive, reasonable assist-  
32 ance from state agency personnel as necessary for the performance of its  
33 functions.

34 (h) The commission shall make a report to the governor and the legis-  
35 lature of its findings, conclusions, determinations and recommendations,  
36 if any, not later than one hundred fifty days after its establishment.  
37 Each recommendation made to implement a determination pursuant to para-  
38 graph (ii) of subdivision (a) of this section shall have the force of  
39 law, and shall supersede inconsistent provisions of article 8 of the  
40 civil service law, unless modified or abrogated by statute prior to  
41 April first of the year as to which such determination applies.

42 (i) Upon the making of its report as provided in subdivision (h) of  
43 this section, each commission established pursuant to this section shall  
44 be deemed dissolved.

45 S 2. Notwithstanding the provisions of this act or of any other law,  
46 each increase in salary or compensation of any officer or employee  
47 provided by this act shall be added to the salary or compensation of  
48 such officer or employee at the beginning of that payroll period the  
49 first day of which is nearest to the effective date of such increase as  
50 provided in this act, or at the beginning of the earlier of two payroll  
51 periods the first days of which are nearest but equally near to the  
52 effective date of such increase as provided in this act; provided,  
53 however, the payment of such salary increase pursuant to this section on  
54 a date prior thereto instead of on such effective date, shall not oper-  
55 ate to confer any additional salary rights or benefits on such officer  
56 or employee.

1 S 3. The annual salaries as prescribed pursuant to this act for state  
2 employees designated managerial or confidential whenever adjusted pursu-  
3 ant to the provisions of this act, shall be rounded up to the nearest  
4 multiple of one hundred dollars.

5 S 4. This act shall take effect immediately.