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

10653

I N A S S E M B L Y

June 10, 2016

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 Governmental Employees

AN ACT to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of certain state officers and employees; to implement agreements between the state and an employee organization; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the civil service law relating thereto

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

Section 1. Subparagraphs 1 and 2 of paragraph c of subdivision 1 of section 130 of the civil service law are REPEALED and a new subparagraph 1 is added to read as follows:

(1) EFFECTIVE MARCH TWENTY-SIXTH, TWO THOUSAND FIFTEEN FOR OFFICERS AND EMPLOYEES ON THE ADMINISTRATIVE PAYROLL AND EFFECTIVE APRIL SECOND, TWO THOUSAND FIFTEEN FOR OFFICERS AND EMPLOYEES ON THE INSTITUTIONAL PAYROLL:

PEF SALARY SCHEDULE
EFFECTIVE MARCH 26, 2015 (ADMIN)
EFFECTIVE APRIL 2, 2015 (INST)

SG	HIRING RATE	JOB RATE	ADVANCE AMOUNT	JOB RATE ADVANCE
1	$21,968	$28,350	$912	$910
2	$22,801	$29,492	$956	$955
3	$23,917	$30,932	$1,003	$997
4	$24,990	$32,373	$1,052	$1,071
5	$26,174	$33,915	$1,107	$1,099
6	$27,577	$35,704	$1,161	$1,161
7	$29,125	$37,636	$1,209	$1,257
8	$30,729	$39,626	$1,251	$1,391
9	$32,441	$41,756	$1,297	$1,533
10	$34,281	$44,077	$1,354	$1,672
11	$36,246	$46,573	$1,443	$1,669

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

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12	$38,278	$49,041	$1,492	$1,811
13	$40,507	$51,830	$1,552	$2,011
14	$42,833	$54,678	$1,658	$1,897
15	$45,257	$57,697	$1,719	$2,126
16	$47,796	$60,834	$1,785	$2,328
17	$50,478	$64,260	$1,870	$2,562
18	$53,339	$67,827	$1,832	$3,496
19	$56,229	$71,412	$1,908	$3,735
20	$59,108	$74,986	$1,988	$3,950
21	$62,242	$78,922	$2,075	$4,230
22	$65,588	$83,044	$2,162	$4,484
23	$69,057	$87,351	$2,251	$4,788
24	$72,735	$91,821	$2,338	$5,058
25	$76,748	$96,732	$2,438	$5,356
26	$80,791	$99,585	$2,537	$3,572
27	$85,163	$104,895	$2,671	$3,706
28	$89,649	$110,105	$2,774	$3,812
29	$94,348	$115,551	$2,881	$3,917
30	$99,278	$121,223	$2,987	$4,023
31	$104,570	$127,297	$3,099	$4,133
32	$110,129	$133,587	$3,203	$4,240
33	$116,120	$140,316	$3,308	$4,348
34	$122,305	$147,305	$3,423	$4,462
35	$128,646	$154,417	$3,533	$4,573
36	$135,112	$161,732	$3,655	$4,690
37	$142,203	$169,620	$3,768	$4,809
38	$132,669			

S 2. Compensation for certain state officers and employees in collective negotiating units. 1. The provisions of this section shall apply to full-time officers and employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law.

2. Effective March 26, 2015 for officers and employees on the administrative payroll and effective April 2, 2015 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

3. Notwithstanding the provisions of subdivision two of this section, if the basic annual salary of an officer or employee to whom the provisions of this section apply is identical with the hiring rate or the job rate of the salary grade of his or her position on the effective date of the increase provided in this subdivision, such basic annual salary shall be increased to the hiring rate or job rate, respectively, of such salary grade as contained in the appropriate salary schedule in subparagraph 1 of paragraph c of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on the dates provided in such subparagraph. Except as herein provided to the contrary, the increase in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivision two of this section.

4. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for annual salaried officers and employees entitled to such payments to whom the provisions of this section apply shall be payable in accordance with the terms of an agreement reached pursuant to article 14 of the civil service law between the state and an

employee organization representing employees subject to the provisions of this section.

5. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and filled by the appointment of an officer or employee who is subject to the provisions of this section, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position which is or becomes vacant.

6. The increase in salary provided in subdivision two of this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis, and employees paid on any basis other than at an annual salary rate. Notwithstanding the foregoing, the provisions of subdivisions three and four of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

7. In order to provide for the officers and employees to whom this section applies but are not allocated to salary grades, but are paid on an annual basis, increases and payments pursuant to subdivisions 4 and 11 of this section in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments and/or payments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries and/or payments thereof for which adjustments and/or payments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chair of the senate finance committee and the chair of the assembly ways and means committee.

8. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis, provided however, that the increase in basic annual salary provided for in subdivision two of this section shall apply to fire instructors paid on a fee schedule basis employed by the division of homeland security and emergency services.

9. Notwithstanding any other provision of this section, except subdivision one, any increase in compensation for any officer or employee appointed to a lower graded position from a redeployment list pursuant to subdivision 1 of section 79 of the civil service law who continues to receive his or her former salary pursuant to such subdivision shall be determined on the basis of such lower graded position provided, however, that the increase in salary provided in this section shall not cause such officer's or employee's salary to exceed the job rate of such lower graded position.

10. Notwithstanding any other provision of this section or any law to the contrary, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

11. Notwithstanding any law, rule or regulation to the contrary, officers and employees to whom the provisions of this section apply shall receive performance awards in accordance with the terms of a collectively negotiated agreement between the state and the employee organization representing such employees entered into pursuant to article 14 of the civil service law, effective for the period commencing April 2, 2015 and ending April 1, 2016, in accordance with the rules and regulations issued by the director of the budget to implement payment of such negotiated performance awards.

S 3. Location compensation for certain state officers and employees. Notwithstanding any inconsistent provisions of law, officers and employees, including seasonal officers and employees who shall receive the compensation provided for pursuant to this section on a pro-rated basis except part-time officers and employees, in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, whose principal place of employment or, in the case of a field employee, whose official station as determined in accordance with the regulations of the comptroller, is located: 1. in the county of Monroe and who were eligible to receive location pay on March 31, 1985, shall receive location pay at the rate of two hundred dollars per year provided they continue to be otherwise eligible; or 2. in the city of New York, or in the county of Rockland, Westchester, Nassau or Suffolk shall continue to receive a downstate adjustment at the annual rate of three thousand twenty-six dollars effective April 1, 2011; or 3. in the county of Dutchess, Putnam or Orange shall continue to receive a mid-Hudson adjustment at the annual rate of one thousand five hundred thirteen dollars effective April 1, 2011. Such location payments shall be in addition to and shall not be a part of an officer's or employee's basic annual salary, and shall not affect or impair any performance advancements or other rights or benefits to which an officer or employee may be entitled by law, provided, however, that location payments shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. For the sole purpose of continuing eligibility for location pay in Monroe county, an officer or employee previously eligible to receive location pay on March 31, 1985 who is on an approved leave of absence or participates in an employer program to reduce to part-time service during summer months shall continue to be eligible for said location pay upon return to full-time state service in Monroe county.

S 4. Continuation of location compensation for certain officers and employees of the Hudson Valley developmental disabilities services office. 1. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating unit designated as the professional, scientific and technical services unit, who is receiving location pay pursuant to section 5 of chapter 174 of the laws of 1993 shall continue to receive such location pay under the conditions and at the rate specified by such section.

2. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating unit designated as the professional, scientific and technical services unit, who is receiving location pay pursuant to subdivision 2 of section 9 of chapter 315 of the laws of 1995 shall continue to receive such location pay under the conditions and at the rates specified by such subdivision.

3. Notwithstanding section three of this act or any other law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating unit designated as the professional, scientific and technical services unit, who is receiving location pay pursuant to section three of this act shall continue to be eligible for such location pay if as the result of a reduction or redeployment of staff, such officer or employee is reassigned to or otherwise appointed or promoted to a different position at another work location within the Hudson Valley developmental disabilities services office. The rate of such continued location pay shall not exceed the rate such officer or employee is receiving on the date of such reassignment, appointment or promotion.

S 5. Special assignment to duty pay. Notwithstanding any inconsistent provisions of law, effective April 2, 2015, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, a special assignment to duty lump sum shall be paid each year to an employee who is serving in a particular assignment deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees assigned to qualifying work assignments and who work such assignments for the minimum periods of time in a year provided in the negotiated agreement. Assignment to duty pay shall not be paid in any year an employee does not meet the minimum period of time in such qualifying assignment required by the agreement or upon cessation of the assignment to duty program on April 1, 2016 unless an extension is negotiated by the parties. Such lump sum shall be considered salary only for final average salary retirement purposes.

S 6. Long term seasonal employees. Notwithstanding any inconsistent provisions of law, effective April 2, 2015, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, a lump sum shall be paid each year to an employee who is serving in a qualifying long term seasonal position. Such payment shall be in an amount negotiated and pursuant to negotiated qualifying criteria and shall be considered salary only for final average salary retirement purposes. Such benefit shall be available until March 31, 2016.

S 7. Notwithstanding any inconsistent provisions of law, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, the state shall contribute an amount designated in such agreement and for the period covered by such agreement to the accounts of such employees enrolled for dependent care deductions pursuant to subdivision 7 of section 201-a of the state finance law. Such amounts shall be from funds appropriated in this act and shall not be part of basic annual salary for overtime or retirement purposes.

S 8. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 33 and 34 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law.

S 9. During the period April 2, 2015 through April 1, 2016, there shall be a statewide labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and an employee organization representing employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law which shall after April 2, 2015, have the responsibility of studying, making recommendations concerning the major issues of productivity, the quality of work life and implementing the agreements reached.

S 10. Inconvenience pay program. Pursuant to chapter 333 of the laws of 1969, as amended, and an agreement negotiated between the state and an employee organization representing employees in the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, an eligible employee shall continue to be paid five hundred seventy-five dollars per year for working four or more hours between the hours of 6:00 p.m. and 6:00 a.m. effective April 2, 2011.

S 11. Notwithstanding any provision of law to the contrary, effective April 2, 2015, where and to the extent that an agreement between the state and an employee organization so provides for a pilot program concerning a firearms training and safety incentive for peace officers in the professional, scientific and technical services bargaining unit, a lump sum payment for such incentive shall be paid for each year of such pilot program to any employee who is deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees who meet criteria established by such pilot program. Such payment shall occur at the time prescribed by such pilot program or as soon as practicable thereafter. Such lump sum payment shall not be paid in any year an employee does not meet the qualifications and criteria of such pilot program or upon cessation of such pilot program on April 1, 2016 unless an extension is negotiated by the parties. Such lump sum payment shall be considered salary for overtime purposes.

S 12. Notwithstanding any provision of law to the contrary, effective April 2, 2015, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of certain employees in the collective negotiating unit designated as the professional, scientific and technical services unit, and where there exists a policy requiring employees in the fire protection specialist title series at the office of fire prevention and control to wear uniforms, a lump sum uniform allowance shall be paid to covered employees in accordance with the terms of such agreement and policy. Such payments shall be in an amount negotiated for covered employees and shall not be paid in any year where a policy does not exist requiring uniforms in accordance with the terms of the agreement or where an employee is not required to wear a uniform or receives a regular uniform service. Such uniform allowance will cease to exist on April 1, 2016, unless an extension is negotiated by the parties. Such lump sum shall be considered salary only for final average salary purposes.

S 13. The salary increases and benefit modifications provided for by this act for state employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certify-

ing that there is in effect with respect to such negotiating unit a collectively negotiated agreement, ratified by the membership, which provides for such increases and modifications and which are fully executed in writing with the state pursuant to article 14 of the civil service law.

S 14. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase in salary or compensation to employees provided by this act shall be added to the salary of such employee at the beginning of that payroll period, the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods, the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such unit members 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 by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section fifteen of this act.

S 15. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act or any other provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of salary and other compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2015, until the time when basic annual salaries and other compensation due are first paid pursuant to this act for such services in excess of the salary and other compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary and other compensation to which such incumbent is entitled for such services and the salary and other compensation actually received pursuant to the terms of an agreement between the state and the employee organization representing the employees covered by this act.

S 16. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2016 by the foregoing provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund are insufficient to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

S 17. Effect of participation in special annuity program. No officer or employee participating in a special annuity program pursuant to the provisions of article 8-c of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which he or she would otherwise be entitled by reason of participation in such program, and such salary adjustment shall be based upon the salary of such officer or employee without regard to the reduction authorized by such article.

S 18. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the sum of two hundred seven million dollars ($207,000,000) is hereby appropriated in the general fund/state purposes account (10050) in miscellaneous-all state departments and agencies solely for apportionment/transfer by the director of the budget for use by any state department or agency in any fund for the fiscal year beginning April 1, 2016 to supplement appropriations for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2016. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before March 31, 2017.

S 19. The several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated for the fiscal year beginning April 1, 2016 to supplement appropriations available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated/transferred to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2016. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before March 31, 2017.

MISCELLANEOUS - - ALL STATE DEPARTMENTS AND AGENCIES
LABOR MANAGEMENT COMMITTEES
STATE OPERATIONS 2016-17
General Fund / State Operations
State Purposes Account - 10050

Professional, Scientific and Technical
Services Unit
Professional development and quality of
working life committee 560,000
Health and Safety 727,000
PSPT Program 5,943,000
Joint Funded Programs 1,036,000
Multi-Funded Programs 1,013,000
Professional Development for Nurses 528,000
Property Damage 22,000
Family Benefits 1,990,000
Employee Assistance Program 450,000
Joint Committee on Health Benefits 528,000

S 20. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 2, 2015. Appropriations made by this act shall remain in full force and effect for liabilities incurred through March 31, 2017.

REPEAL NOTE.--Subparagraphs 1 and 2 of paragraph c of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for state employees in the professional, scientific and technical services unit and are replaced by a revised salary schedule in new subparagraph 1.