

9715

I N A S S E M B L Y

April 5, 2016

Introduced by M. of A. ABBATE -- read once and referred to the Committee
on Governmental Employees

AN ACT to amend the civil service law, in relation to health insurance
buyout programs

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

1 Section 1. Section 161 of the civil service law is amended by adding a
2 new subdivision 4 to read as follows:
3 4. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY, THE
4 PRESIDENT SHALL NOT BY RULE, REGULATION, POLICY MEMO OR OTHERWISE
5 PRECLUDE, PREVENT OR IN ANY WAY DENY A PARTICIPATING AGENCY OR A PARTIC-
6 IPATING EMPLOYER, INCLUDING ANY PUBLIC AUTHORITY, PUBLIC BENEFIT CORPO-
7 RATION, SCHOOL DISTRICT, DISTRICT CORPORATION, MUNICIPAL CORPORATION,
8 MUNICIPALITY, COUNTY, COMMUNITY COLLEGE, PUBLIC AUTHORITY, BOARD OF
9 COOPERATIVE EDUCATIONAL SERVICES (BOCES), VOCATIONAL EDUCATIONAL AND
10 EXTENSION BOARD, OR OTHER PUBLIC AGENCY, SUBDIVISION OR QUASI-PUBLIC
11 ORGANIZATION WHICH ELECTS TO INCLUDE ITS EMPLOYEES AND/OR RETIRED
12 EMPLOYEES IN THE PLAN FROM ENTERING INTO A COLLECTIVE BARGAINING AGREE-
13 MENT OR FROM ESTABLISHING A PRACTICE WITH A BARGAINING UNIT OF EMPLOYEES
14 REPRESENTED BY THAT PARTICIPATING AGENCY OR PARTICIPATING EMPLOYER, OR
15 FROM IMPLEMENTING AN EXISTING COLLECTIVE BARGAINING AGREEMENT OR ESTAB-
16 LISHED PRACTICE WHERE SUCH COLLECTIVE BARGAINING AGREEMENT OR ESTAB-
17 LISHED PRACTICE PROVIDES FOR A HEALTH INSURANCE BUYOUT PROGRAM. SUCH
18 HEALTH INSURANCE BUYOUT PROGRAMS SHALL BE CONSIDERED TERMS AND CONDI-
19 TIONS OF EMPLOYMENT UNDER THE PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT.
20 HEALTH INSURANCE BUYOUTS MADE PURSUANT TO ANY SUCH HEALTH INSURANCE
21 BUYOUT PROGRAM MAY BE MADE NOTWITHSTANDING THAT THE EMPLOYEE RECEIVING
22 THE BUYOUT AND HIS OR HER SPOUSE BOTH ARE ENROLLED IN NEW YORK STATE
23 HEALTH INSURANCE PLAN (NYSHIP) OR ANY PLAN ASSOCIATED WITH OR ADMINIS-
24 TERED BY NYSHIP. SIMILARLY, WHERE SUCH BUYOUTS HAVE BEEN COLLECTIVELY
25 BARGAINED AND/OR ESTABLISHED BY PAST PRACTICE, PARTICIPATION IN HEALTH
26 INSURANCE BUYOUT PROGRAMS SHALL NOT BE DENIED TO RETIRED EMPLOYEES ON
27 THE BASIS THAT THE RETIRED EMPLOYEE'S SPOUSE IS ENROLLED IN NYSHIP OR
28 ANY PLAN ASSOCIATED WITH OR ADMINISTERED BY NYSHIP.
29 S 2. This act shall take effect immediately.

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

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