

3202

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I N S E N A T E

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Introduced by Sens. GOLDEN, MARCHIONE -- read twice and ordered printed,
and when printed to be committed to the Committee on Civil Service and
Pensions

AN ACT to amend the civil service law and the legislative law, in
relation to certain benefits provided pursuant to collective bargain-
ing agreements

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

1 Section 1. Subdivision 1 of section 167 of the civil service law, as
2 amended by chapter 582 of the laws of 1988, paragraph (a) as amended by
3 section 7 of part T of chapter 56 of the laws of 2010 and paragraph (b)
4 as amended by chapter 317 of the laws of 1995, is amended to read as
5 follows:

6 1. (a) The full cost of premium or subscription charges for the
7 coverage of retired state employees who are enrolled in the statewide
8 and the supplementary health benefit plans established pursuant to this
9 article and who retired prior to January first, nineteen hundred eight-
10 y-three shall be paid by the state. Nine-tenths of the cost of premium
11 or subscription charges for the coverage of state employees and retired
12 state employees retiring on or after January first, nineteen hundred
13 eighty-three AND PRIOR TO OCTOBER FIRST, TWO THOUSAND ELEVEN who are
14 enrolled in the statewide and supplementary health benefit plans shall
15 be paid by the state. Three-quarters of the cost of premium or
16 subscription charges for the coverage of dependents of such state
17 employees and retired state employees shall be paid by the state.
18 Except as provided in paragraph (b) of this subdivision, the state shall
19 contribute toward the premium or subscription charges for the coverage
20 of each state employee or retired state employee who is enrolled in an
21 optional benefit plan and for the dependents of such state employee or
22 retired state employee the same dollar amount which would be paid by the
23 state for the premium or subscription charges for the coverage of such

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

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1 state employee or retired state employee and his or her dependents if he
2 or she were enrolled in the statewide and the supplementary health bene-
3 fit plans, but not in excess of the premium or subscription charges for
4 the coverage of such state employee or retired state employee and his or
5 her dependents under such optional benefit plan. For purposes of this
6 subdivision, employees of the state colleges of agriculture, home
7 economics, industrial labor relations, and veterinary medicine, the
8 state agricultural experiment station at Geneva, and any other institu-
9 tion or agency under the management and control of Cornell university as
10 the representative of the board of trustees of the state university of
11 New York, and employees of the state college of ceramics under the
12 management and control of Alfred university as the representative of the
13 board of trustees of the state university of New York, shall be deemed
14 to be state employees whose salaries or compensation are paid directly
15 by the state.

16 (b) Effective January first, nineteen hundred eighty-nine, notwith-
17 standing any other law, rule or regulation, and where, and to the extent
18 that, an agreement between the state and an employee organization
19 entered into pursuant to article fourteen of this chapter so provides or
20 where and to the extent the employee health insurance council so directs
21 with respect to any other state employees and for retired state employ-
22 ees retiring on or after January first, nineteen hundred eighty-three
23 AND PRIOR TO OCTOBER FIRST, TWO THOUSAND ELEVEN, the state shall
24 contribute nine-tenths of the cost of premiums or subscription charges
25 for coverage of each such state employee or retired state employee who
26 is enrolled in an optional benefit plan and three-fourths of such premi-
27 um or subscription charges for dependents of such state employees or
28 retired state employees enrolled in such optional benefit plan;
29 provided, however, effective January first, nineteen hundred ninety-six,
30 the contribution rates for the hospitalization and medical components of
31 each optional benefit plan shall not exceed one hundred percent of the
32 dollar amount of the state's contribution toward the hospitalization and
33 medical components of individual and dependent coverage, respectively,
34 in the Empire Plan. In the case of state employees retiring prior to
35 January first, nineteen hundred eighty-three, the state shall contribute
36 one hundred percent of the individual premium and three-fourths of such
37 premium for dependents of such retired employees enrolled in such
38 optional benefit plan; however, these contribution rates shall not
39 exceed one hundred percent of the employer dollar amount contribution
40 for individual and dependent coverage respectively in the Empire Plan.

41 (C) EFFECTIVE OCTOBER FIRST, TWO THOUSAND ELEVEN, NOTWITHSTANDING ANY
42 OTHER LAW, RULE OR REGULATION, AND WHERE, AND TO THE EXTENT THAT, AN
43 AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZATION ENTERED INTO
44 PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER SO PROVIDES, THE STATE'S
45 CONTRIBUTION FOR COST OF PREMIUM OR SUBSCRIPTION CHARGES FOR THE COVER-
46 AGE OF STATE EMPLOYEES AND RETIRED STATE EMPLOYEES ENROLLED IN THE
47 STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSU-
48 ANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN SHALL BE:

49 (I) FOR STATE EMPLOYEES EMPLOYED IN A TITLE ALLOCATED OR EQUATED TO
50 SALARY GRADE NINE OR BELOW, THE STATE SHALL CONTRIBUTE EIGHTY-EIGHT
51 PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES
52 ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS
53 ESTABLISHED PURSUANT TO THIS ARTICLE FOR AN OPTIONAL BENEFIT PLAN AND
54 SEVENTY-THREE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR
55 DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE
56 SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE

1 OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION
2 RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE
3 ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE
4 HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD
5 THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE
6 COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE
7 EMPIRE PLAN.

8 (II) FOR STATE EMPLOYEES EMPLOYED IN A TITLE ALLOCATED OR EQUATED TO
9 SALARY GRADE TEN OR ABOVE, THE STATE SHALL CONTRIBUTE EIGHTY-FOUR
10 PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES
11 ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS
12 ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND
13 SIXTY-NINE PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR
14 DEPENDENTS OF SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE
15 SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE
16 OR AN OPTIONAL BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION
17 RATES FOR THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE
18 ABUSE COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE
19 HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD
20 THE HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE
21 COMPONENTS OF INDIVIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE
22 EMPIRE PLAN.

23 (III) FOR RETIRED STATE EMPLOYEES RETIRING ON OR AFTER OCTOBER FIRST,
24 TWO THOUSAND ELEVEN AND BEFORE JANUARY FIRST, TWO THOUSAND TWELVE, THE
25 STATE SHALL CONTRIBUTE EIGHTY-EIGHT PERCENT OF THE COST OR PREMIUM
26 SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE STATEWIDE AND
27 THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS
28 ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SEVENTY-THREE PERCENT OF THE
29 COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE
30 EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT
31 PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN;
32 PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION,
33 MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH
34 OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR
35 AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL,
36 AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND
37 DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

38 (IV) FOR RETIRED STATE EMPLOYEES RETIRING ON OR AFTER JANUARY FIRST,
39 TWO THOUSAND TWELVE FROM A TITLE ALLOCATED OR EQUATED TO SALARY GRADE
40 NINE OR BELOW, THE STATE SHALL CONTRIBUTE EIGHTY-EIGHT PERCENT OF THE
41 COST OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE
42 STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSU-
43 ANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SEVENTY-THREE
44 PERCENT OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF
45 SUCH STATE EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY
46 HEALTH BENEFIT PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL
47 BENEFIT PLAN; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE
48 HOSPITALIZATION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPO-
49 NENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT
50 OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZA-
51 TION, MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDI-
52 VIDUAL AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

53 (V) FOR RETIRED STATE EMPLOYEES RETIRING ON OR AFTER JANUARY FIRST,
54 TWO THOUSAND TWELVE FROM A TITLE ALLOCATED OR EQUATED TO SALARY GRADE
55 TEN OR ABOVE, THE STATE SHALL CONTRIBUTE EIGHTY-FOUR PERCENT OF THE COST
56 OR PREMIUM SUBSCRIPTION CHARGES FOR SUCH EMPLOYEES ENROLLED IN THE

1 STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS ESTABLISHED PURSU-
2 ANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN AND SIXTY-NINE PERCENT
3 OF THE COST OR PREMIUM SUBSCRIPTION CHARGES FOR DEPENDENTS OF SUCH STATE
4 EMPLOYEES ENROLLED IN THE STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT
5 PLANS ESTABLISHED PURSUANT TO THIS ARTICLE OR AN OPTIONAL BENEFIT PLAN;
6 PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION,
7 MEDICAL, AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH
8 OPTIONAL BENEFIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR
9 AMOUNT OF THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL,
10 AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND
11 DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

12 (D) NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION, FOR THE PREMIUM
13 OR SUBSCRIPTION CHARGES FOR THE COVERAGE OF RETIRED STATE EMPLOYEES
14 RETIRING ON AND AFTER OCTOBER FIRST, TWO THOUSAND ELEVEN ENROLLED IN THE
15 STATEWIDE AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS OR AN OPTIONAL
16 BENEFIT PLAN ESTABLISHED PURSUANT TO THIS ARTICLE THE STATE'S CONTRIB-
17 UTION RATE FOR INDIVIDUAL AND DEPENDENT COVERAGE SHALL EQUAL THE
18 CONTRIBUTION RATE IN EFFECT ON THE DATE THAT THE STATE EMPLOYEE RETIRED;
19 IF, HOWEVER, SUCH RETIRED STATE EMPLOYEE'S SERVICE TERMINATED PRIOR TO
20 RETIREMENT AND SUCH RETIRED STATE EMPLOYEE WAS ENTITLED TO A VESTED
21 RETIREMENT ALLOWANCE PURSUANT TO THE RETIREMENT AND SOCIAL SECURITY LAW
22 ON THE DATE HIS OR HER SERVICE TERMINATED AND SUCH RETIRED STATE EMPLOY-
23 EE MAINTAINED HIS OR HER ENROLLMENT IN THE STATEWIDE AND THE SUPPLEMEN-
24 TARY HEALTH BENEFIT PLANS OR AN OPTIONAL BENEFIT PLAN ESTABLISHED PURSU-
25 ANT TO THIS ARTICLE THE STATE'S CONTRIBUTION RATE FOR INDIVIDUAL AND
26 DEPENDENT COVERAGE SHALL EQUAL THE CONTRIBUTION RATE IN EFFECT ON THE
27 DATE THAT SUCH RETIRED STATE EMPLOYEE'S SERVICE TERMINATED; PROVIDED,
28 HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALIZATION, MEDICAL,
29 AND MENTAL HEALTH AND SUBSTANCE ABUSE COMPONENTS OF EACH OPTIONAL BENE-
30 FIT PLAN SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF
31 THE STATE'S CONTRIBUTION TOWARD THE HOSPITALIZATION, MEDICAL, AND MENTAL
32 HEALTH AND SUBSTANCE ABUSE COMPONENTS OF INDIVIDUAL AND DEPENDENT COVER-
33 AGE, RESPECTIVELY, IN THE EMPIRE PLAN.

34 S 2. Subdivision 8 of section 167 of the civil service law, as amended
35 by section 2 of part A of chapter 491 of the laws of 2011, is amended to
36 read as follows:

37 8. Notwithstanding any inconsistent provision of law, where and to the
38 extent that an agreement between the state and an employee organization
39 entered into pursuant to article fourteen of this chapter so provides,
40 the state cost of premium or subscription charges for eligible employees
41 covered by such agreement may be modified pursuant to the terms of such
42 agreement. The president, with the approval of the director of the budg-
43 et, may extend the modified state cost of premium or subscription charg-
44 es for STATE employees [or retirees] not subject to an agreement refer-
45 enced above and shall promulgate the necessary rules or regulations to
46 implement this provision.

47 S 3. The legislative law is amended by adding a new section 49 to read
48 as follows:

49 S 49. LEGISLATION IMPLEMENTING COLLECTIVE BARGAINING AGREEMENTS.
50 LEGISLATION WHICH ENACTS OR AMENDS ANY PROVISION OF LAW FOR THE PURPOSE
51 OF IMPLEMENTING AN AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZA-
52 TION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW
53 SHALL BE LIMITED TO THE PROVISIONS NECESSARY TO IMPLEMENT SUCH AGREE-
54 MENT.

55 S 4. This act shall take effect immediately provided that sections one
56 and two of this act shall be deemed to have been in effect on October 1,

1 2011. All premiums paid by retired state employees in excess of those
2 consistent with the provisions of this act shall be returned to such
3 retired state employees, or to their estate, as the case may be, by the
4 comptroller as soon as practicable, but in no event later than sixty
5 days after such effective date.