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2015-2016 Regular Sessions

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.