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

8092

I N S E N A T E

June 12, 2016

Introduced by Sen. GALLIVAN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the state finance law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the executive law, in relation to salary schedules for such members of such unit; in relation to implementing an agreement covering such members of such unit and in relation to the employee benefit fund for members of such unit; making an appropriation therefor; and to repeal certain provisions of such laws relating thereto

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

Section 1. Paragraph a of subdivision 2 of section 216 of the executive law is REPEALED and a new paragraph a is added to read as follows:

A. SALARY SCHEDULES FOR INVESTIGATORS, SENIOR INVESTIGATORS, AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE.

(1) EFFECTIVE APRIL FIRST, TWO THOUSAND FOURTEEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$108,280	$97,796
NEW YORK CITY, ROCKLAND, WESTCHESTER	$107,996	$97,511
ORANGE, PUTNAM, DUTCHESS	$106,909	$96,425
ALL OTHER LOCATIONS	$106,707	$96,222

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

LBD12071-01-6

(2) EFFECTIVE APRIL FIRST, TWO THOUSAND FIFTEEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$110,446	$99,752
NEW YORK CITY, ROCKLAND, WESTCHESTER	$110,156	$99,461
ORANGE, PUTNAM, DUTCHESS	$109,047	$98,354
ALL OTHER LOCATIONS	$108,841	$98,146

(3) EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$112,103	$101,248
NEW YORK CITY, ROCKLAND, WESTCHESTER	$111,808	$100,953
ORANGE, PUTNAM, DUTCHESS	$110,683	$99,829
ALL OTHER LOCATIONS	$110,474	$99,618

(4) EFFECTIVE APRIL FIRST, TWO THOUSAND SEVENTEEN, MEMBERS ASSIGNED TO THE BUREAU OF CRIMINAL INVESTIGATION AND INVESTIGATIVE SPECIALISTS APPOINTED TO THE BUREAU BY THE SUPERINTENDENT, SHALL RECEIVE A BASIC ANNUAL SALARY PURSUANT TO THE FOLLOWING SCHEDULE:

	SENIOR INVESTIGATOR	INVESTIGATOR
NASSAU AND SUFFOLK	$113,785	$102,767
NEW YORK CITY, ROCKLAND, WESTCHESTER	$113,485	$102,467
ORANGE, PUTNAM, DUTCHESS	$112,343	$101,326
ALL OTHER LOCATIONS	$112,131	$101,112

S 2. Paragraph b of subdivision 2 of section 207-b of the state finance law is REPEALED and a new paragraph b is added to read as follows:

B. PURSUANT TO THE TERMS OF AN AGREEMENT NEGOTIATED BETWEEN THE EXECUTIVE BRANCH OF THE STATE OF NEW YORK AND THE EMPLOYEE ORGANIZATION REPRESENTING THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS, AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, AND UPON AUDIT AND WARRANT OF THE STATE COMPTROLLER, THE DIRECTOR SHALL PROVIDE FOR THE PAYMENT OF MONIES TO SUCH EMPLOYEE ORGANIZATION FOR THE ESTABLISHMENT AND MAINTENANCE OF AN EMPLOYEE BENEFIT FUND ESTABLISHED BY THE EMPLOYEE ORGANIZATION FOR THE EMPLOYEES IN THE COLLECTIVE NEGOTIATING UNIT COVERED BY THE CONTROLLING PROVISIONS OF SUCH AGREEMENT PROVIDING FOR SUCH EMPLOYEE BENEFIT FUND, SUCH AMOUNT TO BE DETERMINED CONSISTENT WITH SAID AGREEMENT, INCLUDING ANY AND ALL MONIES AGREED TO BE TRANSFERRED IN SAID AGREEMENT, AND ON THE BASIS OF THE NUMBER OF FULL-TIME ANNUAL SALARIED EMPLOYEES, OTHER THAN FULL-TIME SEASONAL EMPLOYEES, ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND ELEVEN, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND ELEVEN, AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND TWELVE, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND TWELVE AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND THIRTEEN, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND THIRTEEN AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND FOURTEEN, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOU-

SAND FOURTEEN AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND FIFTEEN, FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND FIFTEEN AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND SIXTEEN FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND SIXTEEN AND ON THE PAYROLL ON MARCH FIRST, TWO THOUSAND SEVENTEEN FOR PAYMENTS TO BE MADE ON APRIL FIRST, TWO THOUSAND SEVENTEEN. THE AMOUNT, WHICH WILL BE DETERMINED PURSUANT TO THIS SECTION, FOR EMPLOYEES WHO ARE PAID FROM SPECIAL OR ADMINISTRATIVE FUNDS, OTHER THAN THE GENERAL FUND OR THE CAPITAL PROJECTS FUND OF THE STATE, WILL BE PAID FROM THE APPROPRIATIONS AS PROVIDED BY LAW, IN WHICH CASE THE STATE COMPTROLLER SHALL ESTABLISH PROCEDURES TO ENSURE REPAYMENT FROM SAID SPECIAL OR ADMINISTRATIVE FUNDS. THE DIRECTOR SHALL ENTER INTO AN AGREEMENT WITH AN EMPLOYEE ORGANIZATION, WHICH SETS FORTH THE SPECIFIC TERMS AND CONDITIONS FOR THE TRANSMITTAL OF MONIES PURSUANT TO THIS SECTION.

S 3. Subdivision 2 of section 216-c of the executive law is REPEALED and a new subdivision 2 is added to read as follows:

2. IN ADDITION TO THE COMPENSATION PROVIDED IN SUBDIVISION ONE OF THIS SECTION, MEMBERS OF THE COLLECTIVE NEGOTIATING UNIT CONSISTING OF INVESTIGATORS, SENIOR INVESTIGATORS AND INVESTIGATIVE SPECIALISTS IN THE DIVISION OF STATE POLICE, ON THE PAYROLL ON NOVEMBER FIRST OF EACH YEAR, SHALL CONTINUE TO RECEIVE HOLIDAY COMPENSATION, EFFECTIVE APRIL FIRST, TWO THOUSAND TEN, IN THE AMOUNT OF FIFTEEN HUNDRED THIRTY-SIX DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND FOURTEEN, SUCH AMOUNT SHALL BE INCREASED TO FIFTEEN HUNDRED SIXTY-SEVEN DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND FIFTEEN, SUCH AMOUNT SHALL BE INCREASED TO FIFTEEN HUNDRED NINETY-EIGHT DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN, SUCH AMOUNT SHALL BE INCREASED TO SIXTEEN HUNDRED TWENTY-TWO DOLLARS. EFFECTIVE APRIL FIRST, TWO THOUSAND SEVENTEEN, SUCH AMOUNT SHALL BE INCREASED TO SIXTEEN HUNDRED FORTY-SIX DOLLARS. SUCH PAYMENTS SHALL BE IN ADDITION TO, AND SHALL NOT BE PART OF, THE MEMBER'S ANNUAL BASIC SALARY, EXCEPT FOR THE PURPOSE OF RETIREMENT, AND SHALL BE MADE IN A SEPARATE CHECK DURING THE PAYROLL PERIOD WHICH INCLUDES DECEMBER FIRST EACH YEAR.

S 4. Health benefits committee. Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2011 through March 31, 2018, there shall continue to be a committee on health benefits funded in the following amounts: $5,100 for the period April 1, 2014 to March 31, 2015; $5,202 for the period April 1, 2015 to March 31, 2016; $5,280 for the period April 1, 2016 to March 31, 2017; and $5,359 for the period April 1, 2017 to March 31, 2018. One-half of this amount in each year shall be made available to the state and one-half shall be made available to the employee organization representing such unit.

S 5. Maintenance allowance. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2014, each member of such unit shall receive three thousand two hundred twenty-five dollars ($3,225) as a maintenance allowance. Effective April 1, 2015, such amount shall be increased to three thousand two hundred ninety dollars ($3,290). Effective April 1, 2016, such amount shall be increased to three thousand three hundred thirty-nine dollars ($3,339).

Effective April 1, 2017, such amount shall be increased to three thousand three hundred eighty-nine dollars ($3,389).

(b) Such maintenance allowance shall be paid on an annualized basis in regular bi-weekly paychecks. Such additional compensation, as provided in this section, shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and retirement.

S 6. Expertise pay. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2010 through March 31, 2014, members in such collective negotiating unit shall continue to receive expertise pay in the amount of twelve hundred dollars ($1,200) annually. Effective April 1, 2014, the annual payment for expertise pay shall be two thousand four hundred fifty dollars ($2,450). There shall be no retroactive payment of the increases to expertise pay for the period April 1, 2011 to March 31, 2014 under any circumstances. Pursuant to the agreement the entire increase of one thousand two hundred fifty dollars ($1,250) covering the period April 1, 2011 to March 31, 2014 is only payable on a prospective basis commencing with the scheduled December 2014 payment.

(b) Such expertise pay shall be payable to those unit members on the payroll on November 1 of each year during the pay period that includes December 1. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

S 7. Professional development and training funds. Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2011 through March 31, 2018, there shall continue to be a professional development and quality of working life committee funded in the following amounts: $83,538 for the period April 1, 2014 to March 31, 2015; $85,209 for the period April 1, 2015 to March 31, 2016; $86,487 for the period April 1, 2016 to March 31, 2017; $87,784 for the period April 1, 2017 to March 31, 2018 from which the tuition reimbursement program, the master's program, and the employee assistance program shall be supported.

S 8. Expanded duty pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2010 through March 31, 2014, the annual payment for expanded duty pay shall continue to be seven thousand four hundred fifty-two dollars ($7,452). Such expanded duty pay is in recognition of such members expanded duties, including those related to counterterrorism and other post-September 11, 2001 initiatives, computer crimes, and law enforce-

ment activities involving gambling regulation. Effective April 1, 2014, the annual payment for expanded duty pay shall be eight thousand seven hundred two dollars ($8,702). There shall be no retroactive payment of the increases to expanded duty pay for the period April 1, 2011 to March 31, 2014 under any circumstances. Pursuant to the agreement, the entire increase of one thousand two hundred fifty dollars ($1,250) covering the period April 1, 2011 to March 31, 2014 is only payable on a prospective basis commencing April 1, 2014.

(b) Such expanded duty pay shall be annualized and paid during regular bi-weekly periods. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

S 9. Supervisory responsibility pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective March 31, 2005, certain members shall continue to receive additional compensation, as prescribed in the interest arbitration award dated February 4, 2005 as modified by such agreement, when designated by the division of state police to work as a "unit coordinator", "acting senior investigator", or "acting administrative senior investigator".

(b) Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for the purposes of computation of overtime pay and retirement.

S 10. Location compensation. (a) Notwithstanding any other provision of law to the contrary, members in the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police 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 state comptroller, is located in the county of Monroe, who were on the payroll on March 31, 1985, and who have received this location compensation continually since then, shall continue to receive location pay at the rate of $200 per year; provided that each such member continues to be otherwise eligible.

(b) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit 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 state comptroller, is located in the city of New York or in the counties of Rockland, Westchester, Nassau, or Suffolk shall continue to receive location pay effective April 1, 2010 in the amount of $1,536.

(c) Such location pay as provided in this section shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which

the member may be entitled; provided, however, that location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

S 11. Supplemental location pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit 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 state comptroller, is located in the city of New York or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau, or Suffolk shall continue to receive supplemental location pay, in addition to the location pay provided in section ten of this act, effective April 1, 2010 as follows:

Orange, Putnam or Dutchess County	$1,280
Rockland or Westchester County or city of New York	$1,918
Nassau or Suffolk County	$2,239

(b) Such supplemental location pay shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that supplemental location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

S 12. Unused sick leave at retirement. Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit shall continue to receive a lump sum cash payment for accumulated and unused sick leave credits standing to the employee's credit at the time of separation from service by retirement. The amount of such payment shall be determined in the following manner:

(a) Effective April 1, 1998, the number of days of such accumulated and unused sick leave, not to exceed 300 days, less 165 days, shall be multiplied by the member's daily rate of pay in effect at the time of separation from service by retirement.

(b) The lump sum payment shall be one-fifth of such amount provided for in subdivision (a) of this section.

(c) Such additional compensation shall be in addition to and shall not be part of the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.

S 13. Physical fitness program. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 1999, a joint labor management committee shall be continued for the purpose of evaluating the assessment, study, and testing for the fitness of members of the employee organization. The division of state police

shall administer such program through the provision of an annual appropriation. Members in the employee organization shall receive an annual fitness bonus if they satisfy the fitness requirements developed by the division of state police during a fiscal year. The amount of such fitness bonus shall be determined by the committee within the amount appropriated therefor. Such awards shall be paid on or about December first of each fiscal year.

(b) Any amounts received pursuant to this section shall be in addition to, and shall not be a part of, the member's basic annual salary, and shall not affect or impair, any increments or other rights or benefits to which the member may be entitled; provided, however, that any amounts received shall be included as compensation for retirement purposes.

(c) The division of state police and the employee organization representing such unit may agree to expend the funds appropriated on an annual basis for the physical fitness program for a mutually agreeable alternate purpose. Pursuant to the terms of the agreement, the parties agree that the amount appropriated for this fund for fiscal year 2015-2016 shall be transferred to the employee benefit fund established pursuant to paragraph b of subdivision 2 of section 207-b of the state finance law and the amounts appropriated for this fund for fiscal years 2016-2017 and 2017-2018 shall remain with the division of state police. Effective April 1, 2018, the annual appropriation for this fund shall be transferred to the employee benefit fund established pursuant to paragraph b of subdivision 2 of section 207-b of the state finance law each year unless the parties agree to expend such funds for a mutually agreeable alternate purpose.

S 14. Recognized degree pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit who possess or obtain a recognized degree from an accredited and recognized college or university on or after April 1, 2001, shall continue to receive a lump sum payment of $250 for an associate degree, $500 for a bachelor's degree, and $750 for a graduate degree. Payment for such degree shall occur annually in June of each year, and shall be for one degree only. When such degree is obtained in a fiscal year, such payment shall be made as soon as practicable after conferral of the degree.

(b) Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.

S 15. Short swings. Notwithstanding any provision of law to the contrary, pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective September 1, 2016, members of this unit who are required to work short swings shall receive compensation of thirty dollars ($30) for each short swing they are required to work and actually work. There shall be no short swing compensation where the short swing is worked at the request of, or for the convenience of the member, as determined by the division of state police. The definition of short swing shall be when there are eight hours or less between the

scheduled end time of a Member's tour of duty and the start time of the next scheduled tour of duty. Such compensation shall not be payable if such member's hours of work continue from the end time of the Member's tour of duty to the commencement of the start time of the next scheduled tour of duty without interruption.

S 16. Notwithstanding any provision of law to the contrary, pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit shall receive recall overtime only in accordance with the terms of the collective bargaining agreement.

S 17. Payment and publication of grievance arbitration settlements and awards. 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 arbitration settlements and awards pursuant to article 15 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, such provisions being in effect pursuant to paragraph (e) of subdivision 1 of section 209-a of the civil service law.

S 18. The compensation and benefit modifications provided for by this act for state employees in the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police 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 certifying that there is in effect with respect to such negotiating unit a collective bargaining agreement which provides for such compensation and benefit modifications and which is fully executed in writing with the state pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure of the employee organization certified pursuant to article 14 of the civil service law to represent such collective negotiating unit.

S 19. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any member of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police provided by this act shall be added to the salary of such member 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 officer or employee 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 officer or employee. Payment of such salary increase may be deferred pursuant to section twenty of this act.

S 20. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act or of any 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 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, 2011 until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such service and the compensation actually received therefor. Such lump sum payment shall be made as soon as practicable. The amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which the lump sum is paid.

S 21. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, 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 make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2011 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether prior to or during the state fiscal year commencing April 1, 2016.

S 22. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section are hereby appropriated from the funds so designated 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, 2011 in addition to liabilities or obligations associated with 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

STATE OPERATIONS 2016-17

Special Pay Bills
General Fund / State Operations
State Purposes Account - 10050

PERSONAL SERVICE

Personal Service 22,257,000

NONPERSONAL SERVICE

Fringe benefits 5,343,000
Health Benefits Committee 16,000
Professional Development Fund 256,000
Employee Benefit Fund 340,000
Physical Fitness Pay 454,000
Contract Administration 50,000

S 23. This act shall take effect immediately; provided that the director of employee relations certifies that there is in effect with respect to the negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police a collective bargaining agreement which provides for the compensation and benefit modifications in this act, and shall be deemed to have been in full force and effect on and after April 1, 2011.

REPEAL NOTE.--

Paragraph a of subdivision 2 of section 216 of the executive law, repealed by section one of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised salary schedules in a new paragraph a of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Paragraph b of subdivision 2 of section 207-b of the state finance law, repealed by section two of this act, provided for payments to an employee benefit fund for state employees in the particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised schedule of payments to be made to such fund in a new paragraph b of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Subdivision 2 of section 216-c of the executive law, repealed by section three of this act, provided for holiday compensation payments based on four days pay to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised payment amount in a new subdivision 2 of such section implementing an agreement pursuant to Article 14 of the civil service law.