

7120

I N   S E N A T E

March 30, 2016

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Introduced by Sen. GOLDEN -- 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, in relation to health insurance buyout programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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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