

# STATE OF NEW YORK

---

8102--A

2017-2018 Regular Sessions

## IN ASSEMBLY

May 26, 2017

---

Introduced by M. of A. WEINSTEIN, ABBATE, LENTOL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature finds that a collec-  
2 tive bargaining agreement has been negotiated by the unified court  
3 system with an employee organization representing nonjudicial officers  
4 and employees in the state judiciary negotiating unit. The purpose of  
5 this act is to implement this agreement and to provide increases in  
6 compensation for nonjudicial officers and employees of the unified court  
7 system not in collective negotiating units. References in this act to  
8 the unified court system's classification structure shall mean the clas-  
9 sification structure established by the chief administrator of the  
10 courts on May 28, 1979, as amended since that date. References to the  
11 April, 2016 salary schedule shall mean the salary schedule promulgated  
12 by the chief administrator of the courts pursuant to subdivision (c) of  
13 section 2 of chapter 400 of the laws of 2014. References to the April,  
14 2017 salary schedule, the April, 2018 salary schedule and the April,  
15 2019 salary schedule shall mean the salary schedules promulgated by the  
16 chief administrator pursuant to subdivisions (a), (b) and (c) of section  
17 two of this act, respectively.

18 § 2. Salary schedules. The chief administrator of the courts shall  
19 promulgate salary schedules, as follows:

20 (a) Effective April 1, 2017, each of the rates of pay established by  
21 the April, 2016 salary schedule shall be increased as follows:

22 (1) the maximum rate for each grade shall be increased by an amount  
23 equal to 2 percent thereof (and then rounded up to the nearest dollar);

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

LBD11850-03-7

(2) the amount of the increment for each grade shall equal one-seventh of the difference (rounded up to the nearest dollar) between the maximum rate for such grade, as increased by paragraph (1) of this subdivision, and 102 percent of the hiring rate for such grade on the April, 2016 salary schedule (rounded up to the nearest dollar); and

(3) the hiring, first, second, third, fourth, fifth and sixth year rates of compensation for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, minus 7, 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as increased by paragraph (2) of this subdivision, respectively.

(b) Effective April 1, 2018, each of the rates of pay established by the April, 2017 salary schedule shall be increased as follows:

(1) the maximum rate for each grade shall be increased by an amount equal to 2 percent thereof (and then rounded up to the nearest dollar);

(2) the amount of the increment for each grade shall equal one-seventh of the difference (rounded up to the nearest dollar) between the maximum rate for such grade, as increased by paragraph (1) of this subdivision, and 102 percent of the hiring rate for such grade on the April, 2017 salary schedule (rounded up to the nearest dollar); and

(3) the hiring, first, second, third, fourth, fifth and sixth year rates of compensation for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, minus 7, 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as increased by paragraph (2) of this subdivision, respectively.

(c) Effective April 1, 2019, each of the rates of pay established by the April, 2018 salary schedule shall be increased as follows:

(1) the maximum rate for each grade shall be increased by an amount equal to 2 percent thereof (and then rounded up to the nearest dollar);

(2) the amount of the increment for each grade shall equal one-seventh of the difference (rounded up to the nearest dollar) between the maximum rate for such grade, as increased by paragraph (1) of this subdivision, and 102 percent of the hiring rate for such grade on the April, 2018 salary schedule (rounded up to the nearest dollar); and

(3) the hiring, first, second, third, fourth, fifth and sixth year rates of compensation for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, minus 7, 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as increased by paragraph (2) of this subdivision, respectively.

§ 3. Increases in compensation for persons in allocated positions.

(a) Each nonjudicial officer and employee of the unified court system in a position allocated to a salary grade in the unified court system's classification structure that is in the state judiciary negotiating unit or that is not in any collective negotiating unit established pursuant to article 14 of the civil service law, shall receive increased compensation in accordance with this section. Longevity payments and increases to basic annual salary, as provided in this section, shall be prorated for any nonjudicial officer or employee whose position is part-time, or who otherwise works part-time, and who is eligible, under the rules of the chief judge of the state or an agreement between the state and an employee organization pursuant to the provisions of article 14 of the civil service law, to accrue annual and sick leave credits. Longevity payments as provided in this section shall be in addition to and shall not be a part of an employee's basic annual salary; provided, however, they shall be included as compensation for retirement purposes. For purposes of this section:

(i) no nonjudicial officer or employee shall receive a full or partial increment or longevity payment hereunder unless he or she shall have received other than an unsatisfactory performance rating for his or her services during the year immediately preceding pursuant to a performance evaluation system set forth by the chief administrator or in an agreement specified in section one of this act;

(ii) any full or partial increment received by a nonjudicial officer or employee effective April 1, 2017, pursuant to law other than a provision of this act, shall not be considered when determining:

(A) a nonjudicial officer or employee's basic annual salary on a specified date; and

(B) whether a nonjudicial officer or employee is eligible to receive a full or partial increment of the grade of his or her position on such date pursuant to a provision of this act.

(b) Effective April 1, 2017:

(1) Each such nonjudicial officer and employee who is eligible to receive a full or partial increment of the grade of his or her position in accordance with provisions of the judiciary law shall receive such full or partial increment, to be determined in accordance with the April, 2016 salary schedule.

(2) Each such nonjudicial officer and employee shall be placed in his or her grade on the April, 2017 salary schedule in the manner provided as follows:

(i) If his or her basic annual salary under the April, 2016 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year or maximum rate of compensation of the grade of his or her position, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the April, 2017 salary schedule; or

(ii) If his or her basic annual salary under the April, 2016 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is not identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year or maximum rate of compensation of the grade of his or her position, that basic annual salary shall be increased by an amount equaling 2 percent thereof (and then rounded up to the nearest dollar).

(c) Effective April 1, 2018:

(1) Each such nonjudicial officer and employee who is eligible to receive a full or partial increment of the grade of his or her position in accordance with provisions of the judiciary law shall receive such full or partial increment, to be determined in accordance with the April, 2017 salary schedule.

(2) Each such nonjudicial officer and employee shall be placed in his or her grade on the April, 2018 salary schedule in the manner provided as follows:

(i) If his or her basic annual salary under the April, 2017 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year or maximum rate of compensation of the grade of his or her position, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the April, 2018 salary schedule; or

(ii) If his or her basic annual salary under the April, 2017 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is not identical with the hiring, first year, second year,

1 third year, fourth year, fifth year, sixth year or maximum rate of  
2 compensation of the grade of his or her position, that basic annual  
3 salary shall be increased by an amount equaling 2 percent thereof (and  
4 then rounded up to the nearest dollar).

5 (d) Effective April 1, 2019:

6 (1) Each such nonjudicial officer and employee who is eligible to  
7 receive a full or partial increment of the grade of his or her position  
8 in accordance with provisions of the judiciary law shall receive such  
9 full or partial increment, to be determined in accordance with the  
10 April, 2018 salary schedule.

11 (2) Each such nonjudicial officer and employee shall be placed in his  
12 or her grade on the April, 2019 salary schedule in the manner provided  
13 as follows:

14 (i) If his or her basic annual salary under the April, 2018 salary  
15 schedule, including any increase pursuant to paragraph (1) of this  
16 subdivision, is identical with the hiring, first year, second year,  
17 third year, fourth year, fifth year, sixth year or maximum rate of  
18 compensation of the grade of his or her position, that basic annual  
19 salary shall be increased to the corresponding rate of compensation in  
20 such grade as established by the April, 2019 salary schedule; or

21 (ii) If his or her basic annual salary under the April, 2018 salary  
22 schedule, including any increase pursuant to paragraph (1) of this  
23 subdivision, is not identical with the hiring, first year, second year,  
24 third year, fourth year, fifth year, sixth year or maximum rate of  
25 compensation of the grade of his or her position, that basic annual  
26 salary shall be increased by an amount equaling 2 percent thereof (and  
27 then rounded up to the nearest dollar).

28 (e) Effective April 1, 2017 and each April 1 thereafter, each such  
29 nonjudicial officer and employee shall receive an annual longevity  
30 payment as provided in subdivision (i) of section 3 of chapter 400 of  
31 the laws of 2014 where he or she is entitled thereto in accordance with  
32 such subdivision.

33 § 4. Increases in compensation for persons in unallocated positions.

34 (a) Each nonjudicial officer and employee of the unified court system  
35 to whom the provisions of section three of this act would apply but for  
36 the fact that he or she holds a position that is not allocated to a  
37 salary grade in the unified court system's classification structure  
38 shall receive increased compensation in accordance with this section.  
39 Increases to basic annual salary, as provided in this section, shall be  
40 prorated for any nonjudicial officer and employee whose position is  
41 part-time, or who otherwise works part-time, and who is eligible, under  
42 rules of the chief judge of the state or an agreement between the state  
43 and an employee organization pursuant to the provisions of article 14 of  
44 the civil service law to accrue annual and sick leave credits.

45 (b) Effective April 1, 2017, the basic annual salary of each such  
46 nonjudicial officer and employee shall be increased by an amount equal  
47 to 2 percent thereof (and then rounded up to the nearest dollar).

48 (c) Effective April 1, 2018, the basic annual salary of each such  
49 nonjudicial officer and employee shall be increased by an amount equal  
50 to 2 percent thereof (and then rounded up to the nearest dollar).

51 (d) Effective April 1, 2019, the basic annual salary of each such  
52 nonjudicial officer and employee shall be increased by an amount equal  
53 to 2 percent thereof (and then rounded up to the nearest dollar).

54 § 5. Location pay. (a) Notwithstanding any other provision of law:

55 (1) Effective during the fiscal years commencing on the dates speci-  
56 fied in this paragraph, any nonjudicial officer and employee to whom the

provisions of section three or four of this act apply and whose principal place of employment is in the city of New York or Nassau, Suffolk, Rockland or Westchester county shall receive location pay at the following rates:

(i) 3,697 dollars annually, during the fiscal year commencing April 1, 2017;

(ii) 4,000 dollars annually, during the fiscal year commencing April 1, 2018, except that the annual rate of location pay shall be changed to 4,100 dollars effective October 1, 2018;

(iii) 4,200 dollars annually, during the fiscal year commencing April 1, 2019 and during each fiscal year commencing each April 1 thereafter.

(2) Effective during the fiscal years commencing on the dates specified in this paragraph, any nonjudicial officer and employee to whom the provisions of section three or four of this act apply and whose principal place of employment is in Dutchess, Putnam or Orange county shall receive location pay at the following rates:

(i) 1,848 dollars annually, during the fiscal year commencing April 1, 2017;

(ii) 2,000 dollars annually, during the fiscal year commencing April 1, 2018, except that the annual rate of location pay shall be changed to 2,050 dollars effective October 1, 2018;

(iii) 2,100 dollars annually, during the fiscal year commencing April 1, 2019 and during each fiscal year commencing each April 1 thereafter.

(3) Effective during the fiscal year commencing April 1, 2017 and during each fiscal year commencing each April 1 thereafter, any nonjudicial officer and employee to whom the provisions of section three or four of this act apply and whose principal place of employment is in Monroe county and who was entitled to receive annual location pay pursuant to paragraph (3) of subdivision (a) of section 5 of chapter 400 of the laws of 2014, shall continue to receive such location pay in the amount specified in such paragraph.

(b) The location pay provided in this section shall be in lieu of any other location pay provided by law; except that, where a nonjudicial officer or employee eligible to receive location pay pursuant to the provisions of this section has received location pay during a fiscal year commencing on or after April 1, 2017, pursuant to law other than a provision of this act, the amount of location pay authorized by this section shall be reduced by the amount of the location pay that was received.

(c) Except as provided in subdivision (a) of this section, no nonjudicial officer and employee to whom the provisions of section three or four of this act apply shall receive location pay. Any location pay authorized hereunder shall be in addition to and shall not be a part of an employee's basic annual salary and shall not impair rights or benefits to which an employee may be entitled by law; provided, however, that location pay shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. Location pay, as provided in this section, shall be prorated for any nonjudicial officer and employee to whom the provisions of section three or four of this act apply and whose position is part-time, but not compensated on a per diem or hourly basis.

§ 6. Collective bargaining agreement required. The provisions of sections three, four and five of this act shall not be implemented for nonjudicial officers and employees in a collective negotiating unit established pursuant to article 14 of the civil service law until the chief administrator of the courts shall have notified the comptroller

1 that the members of such negotiating unit have ratified a written  
2 collective bargaining agreement with the state pursuant to article 14 of  
3 the civil service law which provides therefor and delivered to the comp-  
4 troller a copy of such agreement; and any increase in compensation,  
5 including increases in basic annual salary, increments or partial incre-  
6 ments, lump sum payments, or longevity payments, provided by sections  
7 three, four and five of this act or otherwise authorized by law:

8 (a) may be withheld in whole or in part from any nonjudicial officer  
9 and employee not in a collective negotiating unit when in the opinion of  
10 the chief administrator, such increase is not warranted or is not appro-  
11 priate; and

12 (b) shall not preclude any other increases in compensation for such a  
13 nonjudicial officer or employee as may be authorized by law.

14 § 7. Date of entitlement. Notwithstanding the provisions of this act  
15 or any other law, each increase in salary or compensation for nonjudi-  
16 cial officers or employees provided by this act shall be added to the  
17 salary or compensation of such officer or employee at the beginning of  
18 the payroll period the first day of which is nearest to the effective  
19 date of such increase as provided in this act; provided, however, for  
20 the purposes of determining the salary of such officer or employee upon  
21 reclassification, reallocation, appointment, promotion, transfer,  
22 demotion, reinstatement or other change of status, such salary increase  
23 shall be deemed to be effective on the date thereof as prescribed in  
24 this act, and the payment thereof pursuant to this section on the date  
25 prior thereto instead of on such effective date, shall not operate to  
26 confer any additional salary rights or benefits on such officer or  
27 employee.

28 § 8. Deferred payment of salary increase. Notwithstanding the  
29 provisions of this act or any other law, commencing April 1, 2017, and  
30 pending payment pursuant to this act of the basic annual salaries of  
31 incumbents of positions subject to this act commencing April 1, 2017,  
32 such incumbents shall receive, as partial compensation for services  
33 rendered, the rate of compensation otherwise payable in their respective  
34 positions pursuant to law then in effect. An incumbent holding a posi-  
35 tion subject to this act at any time during the period from April 1,  
36 2017 until the time when basic annual salaries are first paid pursuant  
37 to this act for such service in excess of the compensation actually  
38 received therefor shall be entitled to a lump sum payment for the  
39 difference between the salary to which such incumbent is entitled for  
40 such service and the compensation actually received therefor. Such lump  
41 sum payment shall be made as soon as practicable.

42 § 9. This act shall take effect immediately and shall be deemed to  
43 have been in full force and effect on and after April 1, 2017.