

# STATE OF NEW YORK

8539

2017-2018 Regular Sessions

## IN ASSEMBLY

June 20, 2017

Introduced by M. of A. D'URSO, ABBATE, GLICK -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to provide for the adjustment of stipends of certain incumbents in the state university of New York and designating moneys therefor; to continue a doctoral program recruitment and retention enhancement fund; to continue work-life services programs; to continue a professional development committee; to continue a comprehensive college graduate program recruitment and retention fund; to continue a fee mitigation fund; to continue a downstate location fund; to continue a joint labor management advisory board; to continue an accidental death benefit; and making an appropriation therefor

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

1 Section 1. Adjustment to stipends of certain incumbents in the state  
2 university of New York. (a) The stipend as of academic year 2016-2017  
3 for an incumbent of a position in the state university of New York in  
4 the collective negotiating unit designated as the state university grad-  
5 uate student negotiating unit in the state university of New York estab-  
6 lished pursuant to article 14 of the civil service law, on September 30,  
7 2016, shall be increased by two percent adjusted to the nearest whole  
8 dollar, commencing the beginning of the payroll period the first day of  
9 which is nearest to October 1, 2016. "Incumbent," as referenced in this  
10 subdivision, shall be defined as members of the state university gradu-  
11 ate student negotiating unit established pursuant to article 14 of the  
12 civil service law who were employed by the state university of New York  
13 on the effective date of the increase and at the time of payment.

14 (b) The stipend as of academic year 2017-2018 for an incumbent of a  
15 position in the state university of New York in the collective negotiat-  
16 ing unit designated as the state university graduate student negotiating  
17 unit in the state university of New York established pursuant to article  
18 14 of the civil service law, on September 30, 2017, shall be increased

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

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1 by two percent adjusted to the nearest whole dollar, commencing the  
2 beginning of the payroll period the first day of which is nearest to  
3 October 1, 2017. "Incumbent," as referenced in this subdivision, shall  
4 be defined as members of the state university graduate student negotiat-  
5 ing unit established pursuant to article 14 of the civil service law who  
6 were employed by the state university of New York on the effective date  
7 of the increase and at the time of payment.

8 (c) The stipend as of academic year 2018-2019 for an incumbent of a  
9 position in the state university of New York in the collective negotiat-  
10 ing unit designated as the state university graduate student negotiating  
11 unit in the state university of New York established pursuant to article  
12 14 of the civil service law, on September 30, 2018, shall be increased  
13 by two percent adjusted to the nearest whole dollar, commencing the  
14 beginning of the payroll period the first day of which is nearest to  
15 October 1, 2018. "Incumbent," as referenced in this subdivision, shall  
16 be defined as members of the state university graduate student negotiat-  
17 ing unit established pursuant to article 14 of the civil service law who  
18 were employed by the state university of New York on the effective date  
19 of the increase and at the time of payment.

20 (d) (i) This subdivision shall apply to employees in the collective  
21 negotiating unit designated as the state university graduate student  
22 negotiating unit in the state university of New York established pursu-  
23 ant to article 14 of the civil service law.

24 (ii) The minimum stipend for academic year 2016-2017 shall increase by  
25 two percent to \$9,573 annually for employees on full assistantships at  
26 university center campuses effective concurrent with the effective date  
27 of the increase in subdivision (a) of this section commencing the begin-  
28 ning of the payroll period the first day of which is nearest to October  
29 1, 2016.

30 (iii) The minimum stipend for academic year 2017-2018 shall increase  
31 by two percent to \$9,764 annually for employees on full assistantships  
32 at university center campuses effective concurrent with the effective  
33 date of the increase in subdivision (b) of this section commencing the  
34 beginning of the payroll period the first day of which is nearest to  
35 October 1, 2017.

36 (iv) The minimum stipend for academic year 2018-2019 shall increase by  
37 two percent to be \$9,959 annually for employees on full assistantships  
38 at university center campuses effective concurrent with the effective  
39 date of the increase in subdivision (c) of this section commencing the  
40 beginning of the payroll period the first day of which is nearest to  
41 October 1, 2018.

42 (v) Nothing herein shall prevent the state university of New York, in  
43 its discretion, from increasing amounts paid to an incumbent of a posi-  
44 tion of the state university graduate student negotiating unit in the  
45 state university of New York established pursuant to article 14 of the  
46 civil service law in addition to the minimum stipend provided, however,  
47 that the amounts required for such other increases and the cost of  
48 fringe benefits attributable to such other increases, as determined by  
49 the comptroller, are made available to the state in accordance with  
50 procedures established by the state university of New York.

51 (e) Notwithstanding any of the foregoing provisions of this section,  
52 any increase in compensation or lump sum payment may be withheld in  
53 whole or in part from any employee to whom the provisions of this  
54 section are applicable when, in the opinion of the chancellor of the  
55 state university of New York, the director of the budget, and the direc-

1 tor of the governor's office of employee relations, such increase is not  
2 warranted or is not appropriate.

3 § 2. Doctoral program recruitment and retention enhancement fund.  
4 There is hereby continued, within the state university of New York, a  
5 doctoral program recruitment and retention enhancement fund from the  
6 amounts appropriated herein. Such fund shall be used to enhance employee  
7 compensation for the purpose of recruitment and retention of new and  
8 existing doctoral students in selected programs. The specific doctoral  
9 programs eligible for enhanced compensation pursuant to this section  
10 shall be at the discretion of the state university of New York. Pursuant  
11 to the terms of the collective bargaining agreement, these funds may be  
12 reallocated for use by other joint committees upon mutual agreement of  
13 the parties. To be eligible for such payment, an employee must be  
14 employed on or after July 2, 2016 and at the time of payment. This  
15 program shall expire July 1, 2019.

16 § 3. Comprehensive college graduate program recruitment and retention  
17 fund. There is hereby continued, within the state university of New  
18 York, a comprehensive college graduate program recruitment and retention  
19 fund from the amounts appropriated herein. Such fund shall be used to  
20 enhance employee compensation for the purpose of recruitment and  
21 retention of new and existing graduate students in selected degree  
22 programs. The specific graduate degree programs eligible for enhanced  
23 compensation pursuant to this section shall be at the discretion of the  
24 state university of New York. Pursuant to the terms of the collective  
25 bargaining agreement, these funds may be reallocated for use by other  
26 joint committees upon mutual agreement of the parties. To be eligible  
27 for such payment, an employee must be employed on or after July 2, 2016  
28 and at the time of payment. This program shall expire July 1, 2019.

29 § 4. Fee mitigation fund. There is hereby continued, within the state  
30 university of New York, a fee mitigation fund from the amounts appropri-  
31 ated herein. Such fund shall be used for the purpose of funding the cost  
32 of various fees, including but not limited to technology fees. Pursuant  
33 to the terms of the collective bargaining agreement, these funds may be  
34 reallocated for use by other joint committees upon mutual agreement of  
35 the parties. To be eligible for such payment, an employee must be  
36 employed on or after July 2, 2016 and at the time of payment. This  
37 program shall expire July 1, 2019.

38 § 5. Downstate location fund. There is hereby continued, within the  
39 state university of New York, a downstate location fund from the amounts  
40 appropriated herein. Such fund shall be used for the purpose of funding  
41 location adjustments in the downstate area for employees whose work site  
42 is New York City, Suffolk, Nassau, Rockland, Westchester, Dutchess,  
43 Putnam or Orange counties. The specific location adjustments funded  
44 pursuant to this section shall be at the discretion of the state univer-  
45 sity of New York. Pursuant to the terms of the collective bargaining  
46 agreement, these funds may be reallocated for use by other joint commit-  
47 tees upon mutual agreement of the parties. To be eligible for such  
48 payment, an employee must be employed on or after July 2, 2016 and at  
49 the time of payment. This program shall expire July 1, 2019.

50 § 6. Joint labor management advisory board. Pursuant to the terms of  
51 an agreement negotiated between the state and the employee organization  
52 representing employees in the collective negotiating unit designated as  
53 the state university graduate student negotiating unit in the state  
54 university of New York established pursuant to article 14 of the civil  
55 service law, there shall be continued a joint labor management advisory  
56 board to study and make recommendations concerning issues of work-life

1 services programs and implement agreements that may be entered into  
2 between the state and such employee organization concerning such issues  
3 within the appropriations made available therefor. Pursuant to the  
4 terms of the collective bargaining agreement, these funds may be reallo-  
5 cated for use by other joint committees upon mutual agreement of the  
6 parties.

7 § 7. Work-life services programs. Pursuant to the terms of an agree-  
8 ment negotiated between the state and the employee organization repres-  
9 enting the collective negotiating unit designated as the state universi-  
10 ty graduate student negotiating unit in the state university of New York  
11 established pursuant to article 14 of the civil service law, there shall  
12 be continued work-life services programs to be administered in accord-  
13 ance with such agreement within the appropriations made available there-  
14 for. Pursuant to the terms of the collective bargaining agreement,  
15 these funds may be reallocated for use by other joint committees upon  
16 mutual agreement of the parties. This program shall expire July 1, 2019.

17 § 8. Professional development committee. Pursuant to the terms of an  
18 agreement negotiated between the state and the employee organization  
19 representing the collective negotiating unit designated as the state  
20 university graduate student negotiating unit in the state university of  
21 New York established pursuant to article 14 of the civil service law,  
22 there shall be continued a professional development committee to review,  
23 make recommendations and implement programs for professional develop-  
24 ment. Such program shall be administered in accordance with such agree-  
25 ment within the appropriations made available therefor. Pursuant to the  
26 terms of the collective bargaining agreement, these funds may be reallo-  
27 cated for use by other joint committees upon mutual agreement of the  
28 parties. This program shall expire July 1, 2019.

29 § 9. Notwithstanding any provision of law to the contrary, the appro-  
30 priations contained in this act shall be available to the state for the  
31 payment of grievance and arbitration settlements and awards provided for  
32 in the collective negotiating agreement between the state and employee  
33 organization representing the collective negotiating unit designated as  
34 the state university graduate student negotiating unit in the state  
35 university of New York established pursuant to article 14 of the civil  
36 service law.

37 § 10. Accidental death benefit. Pursuant to the terms of an agreement  
38 negotiated between the state and the employee organization representing  
39 the collective negotiating unit designated as the state university grad-  
40 uate student negotiating unit in the state university of New York estab-  
41 lished pursuant to article 14 of the civil service law, there shall  
42 continue to be a death benefit in the amount of fifty thousand dollars,  
43 in the event an employee dies on or after July 2, 2007 as the result of  
44 an accidental on-the-job injury and a death benefit is paid pursuant to  
45 the workers' compensation law, payable by the state to the employee's  
46 surviving spouse and children to whom the workers' compensation acci-  
47 dental death benefit is paid, or to the employee's estate, and in the  
48 same proportion as the workers' compensation accidental death benefit is  
49 paid. Such program shall be administered in accordance with such agree-  
50 ment within the appropriations made available therefor.

51 § 11. Stipend increases and benefit modifications. The stipend  
52 increases and benefit modifications provided for by this act for state  
53 employees and any incumbent, as defined by section one of this act, in  
54 the collective negotiating unit designated as the state university grad-  
55 uate student negotiating unit in the state university of New York estab-  
56 lished pursuant to article 14 of the civil service law shall not be

1 implemented until the director of the governor's office of employee  
2 relations has delivered to the director of the budget and the comp-  
3 troller a letter certifying that there is in effect with respect to such  
4 negotiating unit a collective negotiating agreement which provides for  
5 such increases and modifications and which is ratified and fully  
6 executed in writing with the state pursuant to article 14 of the civil  
7 service law.

8 § 12. Date of entitlement to stipend increase. Notwithstanding the  
9 provisions of this act or of any other provision of law to the contrary,  
10 the stipend increase of any incumbent, as defined by section one of this  
11 act, of the collective negotiating unit designated as the state univer-  
12 sity graduate student negotiating unit in the state university of New  
13 York established pursuant to article 14 of the civil service law, as  
14 provided by this act, shall be added to the stipend of such incumbent at  
15 the beginning of the payroll period the first day of which is nearest to  
16 the effective date of such increase as provided in this act, or at the  
17 beginning of the earlier of two payroll periods the first days of which  
18 are nearest but equally near to the effective date of such increase as  
19 provided in this act; provided, however, that for the purposes of deter-  
20 mining the stipend of such employee upon reclassification, reallocation,  
21 appointment, promotion, transfer, demotion, reinstatement or other  
22 change of status, such stipend increase shall be deemed to be effective  
23 on the date thereof as prescribed by this act, and the payment thereof  
24 pursuant to this section on a date prior thereto, instead of on such  
25 effective date, shall not operate to confer any additional compensation  
26 rights or benefits on such employee. Payment of such stipend increase  
27 may be deferred pursuant to section thirteen of this act.

28 § 13. Deferred payment of stipend increase. Notwithstanding the  
29 provisions of this act, or of any other provision of law to the contra-  
30 ry, pending payment of stipends pursuant to this act for any incumbent,  
31 as defined by section one of this act, of positions subject to this act,  
32 such incumbent shall receive, as partial compensation for services  
33 rendered, the stipends otherwise payable in their respective position.  
34 An incumbent, as defined by section one of this act, holding a position  
35 subject to this act at any time during the period from July 2, 2016,  
36 until the time when stipend increases are first paid pursuant to this  
37 act for such services in excess of the compensation actually received  
38 therefor, shall be entitled to a lump sum payment for the difference  
39 between the stipend to which such incumbent is entitled for such service  
40 and the stipend actually received therefor. Such lump sum payment shall  
41 be made as soon as practicable.

42 § 14. Use of appropriations. Notwithstanding any provision of the  
43 state finance law or any other provision of law to the contrary, the  
44 state comptroller is authorized to pay any amounts required by the fore-  
45 going provisions of this act. To the extent that existing appropriations  
46 available to any state department or agency in any fund are insufficient  
47 to accomplish the purposes set forth in this section, the director of  
48 the budget is authorized to allocate to the various departments and  
49 agencies, from any appropriations available in any fund, the amounts  
50 necessary to make such payments. Any appropriations or other funds  
51 available to any state department or agency for personal service or for  
52 other related employee benefits during the fiscal year commencing April  
53 1, 2016 or April 1, 2017 shall be available for the payment of any  
54 liabilities or obligations incurred pursuant to the foregoing provisions  
55 of this act, whether occurring prior to or during the state fiscal year  
56 commencing April 1, 2017.

1 § 15. Notwithstanding any provision of the state finance law or any  
 2 other provision of law to the contrary, the sum of five million seven  
 3 hundred seventy thousand dollars (\$5,770,000) is hereby appropriated in  
 4 the general fund/state purposes account (10050) in miscellaneous-all  
 5 state departments and agencies solely for apportionment/transfer by the  
 6 director of the budget for use by any state department or agency in any  
 7 fund for the fiscal year beginning April 1, 2016 or April 1, 2017 to  
 8 supplement appropriations for personal service, other than personal  
 9 service and fringe benefits, and to carry out the provisions of this  
 10 act. The monies hereby appropriated are available for payment of any  
 11 liabilities or obligations incurred prior to or during the state fiscal  
 12 year commencing April 1, 2016 or April 1, 2017. For this purpose, these  
 13 appropriations shall remain in full force and effect for the payment of  
 14 liabilities incurred on or before March 31, 2018.

15 § 16. Notwithstanding any provision of the state finance law to the  
 16 contrary, the several amounts as hereinafter set forth, or so much ther-  
 17 eof as may be necessary, are hereby appropriated for the fiscal year  
 18 beginning April 1, 2016 or April 1, 2017 to supplement appropriations  
 19 available for personal service, other than personal service and fringe  
 20 benefits, and to carry out the provisions of this act. Moreover, the  
 21 amounts appropriated as nonpersonal service may be  
 22 suballocated/transferred to any state department or agency as needed.  
 23 The monies hereby appropriated are available for payment of any liabil-  
 24 ities or obligations incurred prior to or during the state fiscal year  
 25 commencing April 1, 2016 or April 1, 2017. For this purpose, these  
 26 appropriations shall remain in full force and effect for the payment of  
 27 liabilities incurred on or before March 31, 2018. No money shall be  
 28 available for expenditure from this appropriation until a certification  
 29 of approval has been issued by the director of the budget and such  
 30 certificate or any amendment thereto has been filed with the state comp-  
 31 troller, the chairperson of the senate finance committee, and the chair-  
 32 person of the assembly ways and means committee.

33 ALL STATE DEPARTMENTS AND AGENCIES

34 General Fund / State Operations  
 35 State Purposes Account - 10050

36 MAINTENANCE UNDISTRIBUTED

37	Doctoral Program Recruitment and Retention	
38	Enhancement Fund .....	1,407,000
39	Comprehensive College Graduate Program	
40	Recruitment and Retention Fund .....	411,000
41	Fee Mitigation Fund .....	1,215,000
42	Downstate Location Fund .....	738,000
43	Work-Life Services Programs .....	200,000
44	Statewide Professional Development Committee .....	352,000

45 § 17. This act shall take effect immediately and shall be deemed to  
 46 have been in full force and effect on and after July 2, 2016.