

STATE OF NEW YORK

1862--A

2017-2018 Regular Sessions

IN SENATE

January 11, 2017

Introduced by Sens. GOLDEN, AVELLA, BRESLIN, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law and the legislative law, in relation to certain benefits provided pursuant to collective bargaining agreements

The People of the State of New York, represented in Senate and Assembly, 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

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

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1 of each state employee or retired state employee who is enrolled in an
2 optional benefit plan and for the dependents of such state employee or
3 retired state employee the same dollar amount which would be paid by the
4 state for the premium or subscription charges for the coverage of such
5 state employee or retired state employee and his or her dependents if he
6 or she were enrolled in the statewide and the supplementary health bene-
7 fit plans, but not in excess of the premium or subscription charges for
8 the coverage of such state employee or retired state employee and his or
9 her dependents under such optional benefit plan. For purposes of this
10 subdivision, employees of the state colleges of agriculture, home
11 economics, industrial labor relations, and veterinary medicine, the
12 state agricultural experiment station at Geneva, and any other institu-
13 tion or agency under the management and control of Cornell university as
14 the representative of the board of trustees of the state university of
15 New York, and employees of the state college of ceramics under the
16 management and control of Alfred university as the representative of the
17 board of trustees of the state university of New York, shall be deemed
18 to be state employees whose salaries or compensation are paid directly
19 by the state.

20 (b) Effective January first, nineteen hundred eighty-nine, notwith-
21 standing any other law, rule or regulation, and where, and to the extent
22 that, an agreement between the state and an employee organization
23 entered into pursuant to article fourteen of this chapter so provides or
24 where and to the extent the employee health insurance council so directs
25 with respect to any other state employees and for retired state employ-
26 ees retiring on or after January first, nineteen hundred eighty-three
27 and prior to October first, two thousand eleven, the state shall
28 contribute nine-tenths of the cost of premiums or subscription charges
29 for coverage of each such state employee or retired state employee who
30 is enrolled in an optional benefit plan and three-fourths of such premi-
31 um or subscription charges for dependents of such state employees or
32 retired state employees enrolled in such optional benefit plan;
33 provided, however, effective January first, nineteen hundred ninety-six,
34 the contribution rates for the hospitalization and medical components of
35 each optional benefit plan shall not exceed one hundred percent of the
36 dollar amount of the state's contribution toward the hospitalization and
37 medical components of individual and dependent coverage, respectively,
38 in the Empire Plan. In the case of state employees retiring prior to
39 January first, nineteen hundred eighty-three, the state shall contribute
40 one hundred percent of the individual premium and three-fourths of such
41 premium for dependents of such retired employees enrolled in such
42 optional benefit plan; however, these contribution rates shall not
43 exceed one hundred percent of the employer dollar amount contribution
44 for individual and dependent coverage respectively in the Empire Plan.

45 (c) Effective October first, two thousand eleven, notwithstanding any
46 other law, rule or regulation, and where, and to the extent that, an
47 agreement between the state and an employee organization entered into
48 pursuant to article fourteen of this chapter so provides, the state's
49 contribution for cost of premium or subscription charges for the cover-
50 age of state employees and retired state employees enrolled in the
51 statewide and the supplementary health benefit plans established pursu-
52 ant to this article or an optional benefit plan shall be:

53 (i) For state employees employed in a title allocated or equated to
54 salary grade nine or below, the state shall contribute eighty-eight
55 percent of the cost or premium subscription charges for such employees
56 enrolled in the statewide and the supplementary health benefit plans

1 established pursuant to this article for an optional benefit plan and
2 seventy-three percent of the cost or premium subscription charges for
3 dependents of such state employees enrolled in the statewide and the
4 supplementary health benefit plans established pursuant to this article
5 or an optional benefit plan; provided, however, that the contribution
6 rates for the hospitalization, medical, and mental health and substance
7 abuse components of each optional benefit plan shall not exceed one
8 hundred percent of the dollar amount of the state's contribution toward
9 the hospitalization, medical, and mental health and substance abuse
10 components of individual and dependent coverage, respectively, in the
11 Empire Plan.

12 (ii) For state employees employed in a title allocated or equated to
13 salary grade ten or above, the state shall contribute eighty-four
14 percent of the cost or premium subscription charges for such employees
15 enrolled in the statewide and the supplementary health benefit plans
16 established pursuant to this article or an optional benefit plan and
17 sixty-nine percent of the cost or premium subscription charges for
18 dependents of such state employees enrolled in the statewide and the
19 supplementary health benefit plans established pursuant to this article
20 or an optional benefit plan; provided, however, that the contribution
21 rates for the hospitalization, medical, and mental health and substance
22 abuse components of each optional benefit plan shall not exceed one
23 hundred percent of the dollar amount of the state's contribution toward
24 the hospitalization, medical, and mental health and substance abuse
25 components of individual and dependent coverage, respectively, in the
26 Empire Plan.

27 (iii) For retired state employees retiring on or after October first,
28 two thousand eleven and before January first, two thousand twelve, the
29 state shall contribute eighty-eight percent of the cost or premium
30 subscription charges for such employees enrolled in the statewide and
31 the supplementary health benefit plans established pursuant to this
32 article or an optional benefit plan and seventy-three percent of the
33 cost or premium subscription charges for dependents of such state
34 employees enrolled in the statewide and the supplementary health benefit
35 plans established pursuant to this article or an optional benefit plan;
36 provided, however, that the contribution rates for the hospitalization,
37 medical, and mental health and substance abuse components of each
38 optional benefit plan shall not exceed one hundred percent of the dollar
39 amount of the state's contribution toward the hospitalization, medical,
40 and mental health and substance abuse components of individual and
41 dependent coverage, respectively, in the Empire Plan.

42 (iv) For retired state employees retiring on or after January first,
43 two thousand twelve from a title allocated or equated to salary grade
44 nine or below, the state shall contribute eighty-eight percent of the
45 cost or premium subscription charges for such employees enrolled in the
46 statewide and the supplementary health benefit plans established pursu-
47 ant to this article or an optional benefit plan and seventy-three
48 percent of the cost or premium subscription charges for dependents of
49 such state employees enrolled in the statewide and the supplementary
50 health benefit plans established pursuant to this article or an optional
51 benefit plan; provided, however, that the contribution rates for the
52 hospitalization, medical, and mental health and substance abuse compo-
53 ponents of each optional benefit plan shall not exceed one hundred percent
54 of the dollar amount of the state's contribution toward the hospitaliza-
55 tion, medical, and mental health and substance abuse components of indi-
56 vidual and dependent coverage, respectively, in the Empire Plan.

1 (v) For retired state employees retiring on or after January first,
2 two thousand twelve from a title allocated or equated to salary grade
3 ten or above, the state shall contribute eighty-four percent of the cost
4 or premium subscription charges for such employees enrolled in the
5 statewide and the supplementary health benefit plans established pursu-
6 ant to this article or an optional benefit plan and sixty-nine percent
7 of the cost or premium subscription charges for dependents of such state
8 employees enrolled in the statewide and the supplementary health benefit
9 plans established pursuant to this article or an optional benefit plan;
10 provided, however, that the contribution rates for the hospitalization,
11 medical, and mental health and substance abuse components of each
12 optional benefit plan shall not exceed one hundred percent of the dollar
13 amount of the state's contribution toward the hospitalization, medical,
14 and mental health and substance abuse components of individual and
15 dependent coverage, respectively, in the Empire Plan.

16 (d) Notwithstanding any other law, rule or regulation, for the premium
17 or subscription charges for the coverage of retired state employees
18 retiring on and after October first, two thousand eleven enrolled in the
19 statewide and the supplementary health benefit plans or an optional
20 benefit plan established pursuant to this article the state's contrib-
21 ution rate for individual and dependent coverage shall equal the
22 contribution rate in effect on the date that the state employee retired;
23 if, however, such retired state employee's service terminated prior to
24 retirement and such retired state employee was entitled to a vested
25 retirement allowance pursuant to the retirement and social security law
26 on the date his or her service terminated and such retired state employ-
27 ee maintained his or her enrollment in the statewide and the supplemen-
28 tary health benefit plans or an optional benefit plan established pursu-
29 ant to this article the state's contribution rate for individual and
30 dependent coverage shall equal the contribution rate in effect on the
31 date that such retired state employee's service terminated; provided,
32 however, that the contribution rates for the hospitalization, medical,
33 and mental health and substance abuse components of each optional bene-
34 fit plan shall not exceed one hundred percent of the dollar amount of
35 the state's contribution toward the hospitalization, medical, and mental
36 health and substance abuse components of individual and dependent cover-
37 age, respectively, in the Empire Plan.

38 § 2. Subdivision 8 of section 167 of the civil service law, as amended
39 by section 2 of part A of chapter 491 of the laws of 2011, is amended to
40 read as follows:

41 8. Notwithstanding any inconsistent provision of law, where and to the
42 extent that an agreement between the state and an employee organization
43 entered into pursuant to article fourteen of this chapter so provides,
44 the state cost of premium or subscription charges for eligible employees
45 covered by such agreement may be modified pursuant to the terms of such
46 agreement. The president, with the approval of the director of the budg-
47 et, may extend the modified state cost of premium or subscription charg-
48 es for state employees [~~or retirees~~] not subject to an agreement refer-
49 enced above and shall promulgate the necessary rules or regulations to
50 implement this provision.

51 § 3. The legislative law is amended by adding a new section 49 to read
52 as follows:

53 § 49. Legislation implementing collective bargaining agreements.
54 Legislation which enacts or amends any provision of law for the purpose
55 of implementing an agreement between the state and an employee organiza-
56 tion entered into pursuant to article fourteen of the civil service law

1 shall be limited to the provisions necessary to implement such agree-
2 ment.

3 § 4. This act shall take effect immediately provided that sections one
4 and two of this act shall be deemed to have been in effect on October 1,
5 2011. No premiums paid by retired state employees in excess of those
6 consistent with the provisions of this act shall be refunded to such
7 retired state employees.