# STATE OF NEW YORK

7715

# IN SENATE

February 12, 2018

Introduced by Sen. BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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:**

Section 1. Legislative findings. The legislature finds that a collective bargaining agreement has been negotiated by the unified court system with an employee organization representing nonjudicial officers and employees in the New York City court clerks negotiating unit. The purpose of this act is to implement this agreement and any other collective bargaining agreement negotiated by the unified court system with an employee organization where, pursuant to section three of this act, the chief administrator of the courts has delivered a certificate to the comptroller that such collective bargaining agreement is in effect.

§ 2. Annual maintenance allowance. Each nonjudicial officer and employee of the unit who is required by the unified court system to wear an employer-approved blazer while performing the duties of his or her position shall be entitled to receive an annual maintenance allowance in an amount, as follows:

(a) for the fiscal year commencing April 1, 2018, $925;

(b) for the fiscal year commencing April 1, 2019, $1,000;

(c) for the fiscal year commencing April 1, 2020, $1,200.

Annual maintenance allowances 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.

§ 3. Application of this act to nonjudicial officers and employees of the unified court system in other negotiating units. In the event that a collective bargaining agreement is negotiated by the unified court system pursuant to article fourteen of the civil service law with an employee organization representing nonjudicial officers and employees of the unified court system in a negotiating unit other than the New York

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

LBD14481-01-8

City court clerks negotiating unit, the chief administrator of the courts, with the agreement of such employee organization, shall deliver to the comptroller a certificate that such collective bargaining agreement is in effect where the provisions of section two of this act are provided for therein.

§ 4. Collective bargaining agreement required. The provisions of section two of this act shall not be implemented for nonjudicial officers and employees in a collective negotiating unit established pursuant to article fourteen of the civil service law until the chief administrator of the courts shall deliver to the comptroller a certificate that there is in effect with respect to such negotiating unit a written collective bargaining agreement with the state pursuant to article fourteen of the civil service law which provides therefor; and any increase in compensation provided by section two of this act or otherwise authorized by law, shall not preclude any other increases in compensation for such a nonjudicial officer or employee as may be authorized by law.

§ 5. Deferred payment of salary increase. Notwithstanding the provisions of this act or any other law, commencing April 1, 2017, and pending payment pursuant to law of the basic annual salaries of incumbents of positions subject to this act commencing April 1, 2017, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions pursuant to law then in effect. An incumbent holding a position subject to this act at any time during the period from April 1, 2017 until the time when basic annual salaries are first paid pursuant to this act for such service 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, except that such lump sum payment shall not be made, nor shall any lump sum payment pursuant to any other provision of law be made to any employee or former employee serving in a position in the New York City court clerks negotiating unit between April 1, 2014 and April 1, 2017 on account of service in such position, unless the legislature has appropriated twenty-eight million dollars to the administrative office of the courts for the express purpose of funding such lump sum payments, as provided in section six of this act or some other provision of law.

§ 6. The sum of twenty-eight million dollars ($28,000,000) is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the administrative office of the courts for payment pursuant to this act of the costs and expenses thereunder necessary during the 2017-18 state fiscal year, including lump sum payments due employees pursuant to section five of this act on account of service during a state fiscal year prior to the 2017-18 fiscal year; provided, however, where provisions of law require expenditures that must be paid from appropriations from funds of the state other than the general fund or that, by established administrative practice, are paid from such funds, the chief administrator of the courts shall so certify to the comptroller, and thereupon the appropriation provided in this section shall be available for such expenditures.

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