

# STATE OF NEW YORK

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7715

## IN SENATE

February 12, 2018

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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:

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 New York City court clerks negotiating unit. The  
5 purpose of this act is to implement this agreement and any other collec-  
6 tive bargaining agreement negotiated by the unified court system with an  
7 employee organization where, pursuant to section three of this act, the  
8 chief administrator of the courts has delivered a certificate to the  
9 comptroller that such collective bargaining agreement is in effect.

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

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

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

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

18 Annual maintenance allowances as provided in this section shall be in  
19 addition to and shall not be a part of an employee's basic annual sala-  
20 ry; provided, however, they shall be included as compensation for  
21 retirement purposes.

22 § 3. Application of this act to nonjudicial officers and employees of  
23 the unified court system in other negotiating units. In the event that a  
24 collective bargaining agreement is negotiated by the unified court  
25 system pursuant to article fourteen of the civil service law with an  
26 employee organization representing nonjudicial officers and employees of  
27 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.

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

6 § 4. Collective bargaining agreement required. The provisions of  
7 section two of this act shall not be implemented for nonjudicial offi-  
8 cers and employees in a collective negotiating unit established pursuant  
9 to article fourteen of the civil service law until the chief administra-  
10 tor of the courts shall deliver to the comptroller a certificate that  
11 there is in effect with respect to such negotiating unit a written  
12 collective bargaining agreement with the state pursuant to article four-  
13 teen of the civil service law which provides therefor; and any increase  
14 in compensation provided by section two of this act or otherwise author-  
15 ized by law, shall not preclude any other increases in compensation for  
16 such a nonjudicial officer or employee as may be authorized by law.

17 § 5. Deferred payment of salary increase. Notwithstanding the  
18 provisions of this act or any other law, commencing April 1, 2017, and  
19 pending payment pursuant to law of the basic annual salaries of incum-  
20 bents of positions subject to this act commencing April 1, 2017, such  
21 incumbents shall receive, as partial compensation for services rendered,  
22 the rate of compensation otherwise payable in their respective positions  
23 pursuant to law then in effect. An incumbent holding a position subject  
24 to this act at any time during the period from April 1, 2017 until the  
25 time when basic annual salaries are first paid pursuant to this act for  
26 such service in excess of the compensation actually received therefor  
27 shall be entitled to a lump sum payment for the difference between the  
28 salary to which such incumbent is entitled for such service and the  
29 compensation actually received therefor. Such lump sum payment shall be  
30 made as soon as practicable, except that such lump sum payment shall not  
31 be made, nor shall any lump sum payment pursuant to any other provision  
32 of law be made to any employee or former employee serving in a position  
33 in the New York City court clerks negotiating unit between April 1, 2014  
34 and April 1, 2017 on account of service in such position, unless the  
35 legislature has appropriated twenty-eight million dollars to the admin-  
36 istrative office of the courts for the express purpose of funding such  
37 lump sum payments, as provided in section six of this act or some other  
38 provision of law.

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

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