

STATE OF NEW YORK

5157

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. McDONOUGH -- read once and referred to the
Committee on Education

AN ACT to amend the education law, in relation to the salary cap for
BOCES superintendents

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

1 Section 1. Subparagraph 2 of paragraph a of subdivision 4 of section
2 1950 of the education law, as amended by chapter 698 of the laws of
3 2003, is amended to read as follows:
4 (2) Notwithstanding any inconsistent provision of law in no event
5 shall the total salary including various amounts paid pursuant to section twen-
6 ty-two hundred nine of this [~~chapter~~] title for district superintendents
7 [~~for each school year through the two thousand two two thousand three~~
8 ~~school year exceed ninety eight percent of that earned by the commis-~~
9 ~~sioner for state fiscal year nineteen hundred ninety two--ninety three,~~
10 ~~and in no event shall such total salary for a district superintendent]~~
11 for the two thousand [~~three~~] seventeen--two thousand [~~four~~] eighteen
12 school year or any subsequent school year exceed: (i) one hundred six
13 percent of the salary cap applicable in the preceding school year, or
14 (ii) ninety-eight percent of that earned by the commissioner in the two
15 thousand [~~three~~] seventeen--two thousand [~~four~~] eighteen state fiscal
16 year[~~, whichever is less~~]. In no event shall any district superintendent
17 be permitted to accumulate vacation or sick leave credits in excess of
18 the vacation and sick leave credits managerial/confidential employees of
19 the state are permitted to accumulate pursuant to regulations promulgat-
20 ed by the state civil service commission, nor may any district super-
21 intendent at the time of separation from service be compensated for
22 accrued and unused vacation credits or sick leave, or use accrued and
23 unused sick leave for retirement service credit or to pay for health
24 insurance in retirement, at a rate in excess of the rate permitted to
25 managerial/confidential employees of the state pursuant to regulations

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

LBD09451-01-7

1 of the state civil service commission. In addition to the payment of
2 supplementary salary, a board of cooperative educational services may
3 provide for the payment of all or a portion of the cost of insurance
4 benefits for the district superintendent of schools, including but not
5 limited to health insurance, disability insurance, life insurance or any
6 other form of insurance benefit made available to
7 managerial/confidential employees of the state; provided that any such
8 payments for whole life, split dollar or other life insurance policies
9 having a cash value shall be included in the total salary of the
10 district superintendent for purposes of this subparagraph, and provided
11 further that any payments for the employee contribution, co-pay or
12 uncovered medical expenses under a health insurance plan also shall be
13 included in the total salary of the district superintendent. Notwith-
14 standing any other provision of law, payments for such insurance bene-
15 fits may be based on the district superintendent's total salary or the
16 amount of his or her supplementary salary only. Any payments for trans-
17 portation or travel expenses in excess of actual, documented expenses
18 incurred in the performance of duties for the board of cooperative
19 educational services or the state, and any other lump sum payment not
20 specifically excluded from total salary pursuant to this subparagraph,
21 shall be included in the total salary of the district superintendent for
22 purposes of this subparagraph. Nothing herein shall prohibit a district
23 superintendent from waiving any rights provided for in an existing
24 contract or agreement as hereafter prohibited in favor of revised
25 compensation or benefit provisions as permitted herein. In no event
26 shall the terms of the district superintendent's contract, including any
27 provisions relating to an increase in salary, compensation or other
28 benefits, be contingent upon the terms of any contract or collective
29 bargaining agreement between the board of cooperative educational
30 services and its teachers or other employees. The commissioner may adopt
31 regulations for the purpose of implementing the provisions of this para-
32 graph.

33 § 2. This act shall take effect immediately.