

# STATE OF NEW YORK

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8101

2017-2018 Regular Sessions

## IN ASSEMBLY

May 26, 2017

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Introduced by M. of A. WEINSTEIN, ABBATE, LENTOL -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Judiciary

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 collective  
2 bargaining agreements have been negotiated by the unified court system  
3 with employee organizations representing nonjudicial officers and  
4 employees in the following negotiating units: Suffolk county, New York  
5 city administrative, librarian, clerical and support, New York city  
6 administrative services, ninth judicial district, citywide law assist-  
7 ants, New York city senior court attorneys and New York city court  
8 reporters. The purpose of this act is to implement these agreements and  
9 any other collective bargaining agreement negotiated by the unified  
10 court system with an employee organization where, pursuant to section  
11 five of this act, the chief administrator of the courts has delivered a  
12 certificate to the comptroller that such collective bargaining agreement  
13 is in effect. References in this act to the unified court system's clas-  
14 sification structure shall mean the classification structure established  
15 by the chief administrator on May 28, 1979, as amended since that date.  
16 Reference to the April, 2015 salary schedule shall mean the salary sche-  
17 dule promulgated by the chief administrator of the courts pursuant to  
18 subdivision (b) of section 2 of chapter 400 of the laws of 2014. Refer-  
19 ences to the April, 2016 salary schedule, the April, 2017 salary sched-  
20 ule and the April, 2018 salary schedule shall mean the salary schedules  
21 promulgated by the chief administrator pursuant to subdivisions (a), (b)  
22 and (c) of section two of this act, respectively.

23 § 2. Salary schedules. The chief administrator of the courts shall  
24 promulgate salary schedules, as follows:

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

LBD11816-01-7

1 (a) Effective April 1, 2016, each of the rates of pay established by  
2 the April, 2015 salary schedule shall be increased as follows;

3 (1) the maximum rate for each grade shall be increased by an amount  
4 equal to 2 percent thereof (and then rounded up to the nearest dollar);

5 (2) the amount of the increment for each grade shall equal one-seventh  
6 of the difference (rounded up to the nearest dollar) between the maximum  
7 rate for such grade, as increased by paragraph (1) of this subdivision,  
8 and 102 percent of the hiring rate for such grade on the April, 2016  
9 salary schedule (rounded up to the nearest dollar);

10 (3) the hiring, first, second, third, fourth, fifth and sixth year  
11 rates of compensation for each grade shall equal the maximum rate for  
12 such grade, as increased by paragraph (1) of this subdivision, minus 7,  
13 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as  
14 increased by paragraph (2) of this subdivision, respectively;

15 (4) the longevity rate for each grade shall equal the maximum rate for  
16 such grade, as increased by paragraph (1) of this subdivision, plus the  
17 amount of the increment for such grade; and

18 (5) the extra-longevity rate for each grade shall equal the longevity  
19 rate for such grade, as increased by paragraph (4) of this subdivision,  
20 plus the amount of the increment for such grade.

21 (b) Effective April 1, 2017, each of the rates of pay established by  
22 the April, 2016 salary schedule shall be increased as follows;

23 (1) the maximum rate for each grade shall be increased by an amount  
24 equal to 2 percent thereof (and then rounded up to the nearest dollar);

25 (2) the amount of the increment for each grade shall equal one-seventh  
26 of the difference (rounded up to the nearest dollar) between the maximum  
27 rate for such grade, as increased by paragraph (1) of this subdivision,  
28 and 102 percent of the hiring rate for such grade on the April, 2016  
29 salary schedule (rounded up to the nearest dollar);

30 (3) the hiring, first, second, third, fourth, fifth and sixth year  
31 rates of compensation for each grade shall equal the maximum rate for  
32 such grade, as increased by paragraph (1) of this subdivision, minus 7,  
33 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as  
34 increased by paragraph (2) of this subdivision, respectively;

35 (4) the longevity rate for each grade shall equal the maximum rate for  
36 such grade, as increased by paragraph (1) of this subdivision, plus the  
37 amount of the increment for such grade; and

38 (5) the extra-longevity rate for each grade shall equal the longevity  
39 rate for such grade, as increased by paragraph (4) of this subdivision,  
40 plus the amount of the increment for such grade.

41 (c) Effective April 1, 2018, each of the rates of pay established by  
42 the April, 2017 salary schedule shall be increased as follows:

43 (1) the maximum rate for each grade shall be increased by an amount  
44 equal to 2 percent thereof (and then rounded up to the nearest dollar);

45 (2) the amount of the increment for each grade shall equal one-seventh  
46 of the difference (rounded up to the nearest dollar) between the maximum  
47 rate for such grade, as increased by paragraph (1) of this subdivision,  
48 and 102 percent of the hiring rate for such grade on the April, 2017  
49 salary schedule (rounded up to the nearest dollar);

50 (3) the hiring, first, second, third, fourth, fifth and sixth year  
51 rates of compensation for each grade shall equal the maximum rate for  
52 such grade, as increased by paragraph (1) of this subdivision, minus 7,  
53 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as  
54 increased by paragraph (2) of this subdivision, respectively;

(4) the longevity rate for each grade shall equal the maximum rate for such grade, as increased by paragraph (1) of this subdivision, plus the amount of the increment for such grade; and

(5) the extra-longevity rate for each grade shall equal the longevity rate for such grade, as increased by paragraph (4) of this subdivision, plus the amount of the increment for such grade.

§ 3. Increases in compensation for persons in allocated positions.

(a) Each nonjudicial officer and employee of the unified court system in a position allocated to a salary grade in the unified court system's classification structure that is in any collective negotiating unit of nonjudicial officers and employees of the unified court system where, pursuant to section five of this act, the chief administrator of the courts has delivered to the comptroller a certificate that an employee organization representing nonjudicial officers and employees in such unit has negotiated a collective bargaining agreement with the unified court system that is in effect, or that is in any of the following collective negotiating units, shall receive increased compensation in accordance with this section: (1) Suffolk county, (2) New York city administrative, librarian, clerical and support, (3) New York city administrative services, (4) ninth judicial district, (5) citywide law assistants, (6) New York city senior court attorneys, and (7) New York city court reporters. Bonuses and increases to basic annual salary, as provided in this section, shall be prorated for any nonjudicial officer or employee whose position is part-time, or who otherwise works part-time, and who is eligible, under the rules of the chief judge of the state or an agreement between the state and an employee organization pursuant to the provisions of article fourteen of the civil service law, to accrue annual and sick leave credits. Bonuses 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. For purposes of this section:

(i) no nonjudicial officer or employee shall receive a full or partial increment or bonus hereunder unless he or she shall have received other than an unsatisfactory performance rating for his or her services during the year immediately preceding pursuant to a performance evaluation system set forth in an agreement specified in section one of this act, nor shall any nonjudicial officer or employee receive a bonus provided in this section where he or she, as of the date on which this act becomes a law, already has received that bonus pursuant to law other than a provision of this act;

(ii) any full or partial increment received by a nonjudicial officer or employee effective April 1, 2016 or April 1, 2017, pursuant to law other than a provision of this act, shall not be considered when determining:

(A) a nonjudicial officer or employee's basic annual salary on a specified date; and

(B) whether a nonjudicial officer or employee is eligible to receive a full or partial increment of the grade of his or her position on any of such dates pursuant to a provision of this act;

(iii) service in the employ of the unified court system shall mean service in one or more courts or agencies of the unified court system, whether as a judge or as a nonjudicial officer or employee. In order for a nonjudicial officer or employee's years of service in the employ of the unified court system to be "continuous," he or she must have served the equivalent of 120 workdays in each of those years; and the number of years required to qualify for a bonus hereunder must be served consecutively except that they may be interrupted by one or more breaks of not

1 more than one year each, attributable to a period of time between any  
2 separation from his or her position in the employ of the unified court  
3 system and resumption of service in such employ.

4 (b) Effective April 1, 2016:

5 (1) Each such nonjudicial officer and employee who is eligible to  
6 receive a full or partial increment of the grade of his or her position  
7 in accordance with provisions of the judiciary law shall receive such  
8 full or partial increment, to be determined in accordance with the  
9 April, 2015 salary schedule.

10 (2) Each such nonjudicial officer and employee shall be placed in his  
11 or her grade on the April, 2016 salary schedule in the manner provided  
12 as follows:

13 (i) If his or her basic annual salary under the April, 2015 salary  
14 schedule, including any increase pursuant to paragraph (1) of this  
15 subdivision, is identical with the hiring, first year, second year,  
16 third year, fourth year, fifth year, sixth year, maximum, longevity or  
17 extra-longevity rate of compensation of the grade of his or her posi-  
18 tion, that basic annual salary shall be increased to the corresponding  
19 rate of compensation in such grade as established by the April, 2016  
20 salary schedule; or

21 (ii) If his or her basic annual salary under the April, 2015 salary  
22 schedule, including any increase pursuant to paragraph (1) of this  
23 subdivision, is not identical with the hiring, first year, second year,  
24 third year, fourth year, fifth year, sixth year, maximum, longevity or  
25 extra-longevity rate of compensation of the grade of his or her posi-  
26 tion, that basic annual salary shall be increased by an amount equaling  
27 2 percent thereof (and then rounded up to the nearest dollar);

28 Notwithstanding the foregoing, where operation of the provisions of  
29 this paragraph would result in a nonjudicial officer or employee receiv-  
30 ing an increase in basic annual salary of less than 1,000 dollars, such  
31 nonjudicial officer or employee shall be placed in his or her grade on  
32 the April, 2016 salary schedule at his or her basic annual salary,  
33 including any increase pursuant to paragraph (1) of this subdivision,  
34 plus 1,000 dollars.

35 (3) Each such nonjudicial officer and employee in the employ of the  
36 unified court system having at least 20 years of continuous service in  
37 the employ of the unified court system as of the preceding March 31  
38 shall receive a bonus equaling: (i) 1,900 dollars, if he or she has less  
39 than 25 years of such service as of such date; or (ii) 2,000 dollars, if  
40 he or she has at least 25 but less than 30 years of such service as of  
41 such date; or (iii) 2,100 dollars, if he or she has at least 30 years of  
42 such service as of such date.

43 (c) Effective April 1, 2017:

44 (1) Each such nonjudicial officer and employee who is eligible to  
45 receive a full or partial increment of the grade of his or her position  
46 in accordance with provisions of the judiciary law shall receive such  
47 full or partial increment, to be determined in accordance with the  
48 April, 2016 salary schedule.

49 (2) Each such nonjudicial officer and employee shall be placed in his  
50 or her grade on the April, 2017 salary schedule in the manner provided  
51 as follows:

52 (i) If his or her basic annual salary under the April, 2016 salary  
53 schedule, including any increase pursuant to paragraph (1) of this  
54 subdivision, is identical with the hiring, first year, second year,  
55 third year, fourth year, fifth year, sixth year, maximum, longevity or  
56 extra-longevity rate of compensation of the grade of his or her posi-

tion, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the April, 2017 salary schedule; or

(ii) If his or her basic annual salary under the April, 2016 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is not identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased by an amount equaling 2 percent thereof (and then rounded up to the nearest dollar);

Notwithstanding the foregoing, where operation of the provisions of this paragraph would result in a nonjudicial officer or employee receiving an increase in basic annual salary of less than 1,000 dollars, such nonjudicial officer or employee shall be placed in his or her grade on the April, 2017 salary schedule at his or her basic annual salary, including any increase pursuant to paragraph (1) of this subdivision, plus 1,000 dollars.

(3) Each such nonjudicial officer and employee in the employ of the unified court system having at least 20 years of continuous service in the employ of the unified court system as of the preceding March 31 shall receive a bonus equaling: (i) 1,950 dollars, if he or she has less than 25 years of such service as of such date; or (ii) 2,050 dollars, if he or she has at least 25 but less than 30 years of such service as of such date; or (iii) 2,150 dollars, if he or she has at least 30 years of such service as of such date.

(d) Effective April 1, 2018:

(1) Each such nonjudicial officer and employee who is eligible to receive a full or partial increment of the grade of his or her position in accordance with provisions of the judiciary law shall receive such full or partial increment, to be determined in accordance with the April, 2017 salary schedule.

(2) Each such nonjudicial officer and employee shall be placed in his or her grade on the April, 2018 salary schedule in the manner provided as follows:

(i) If his or her basic annual salary under the April, 2017 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the April, 2018 salary schedule; or

(ii) If his or her basic annual salary under the April, 2016 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is not identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year, maximum, longevity or extra-longevity rate of compensation of the grade of his or her position, that basic annual salary shall be increased by an amount equaling 2 percent thereof (and then rounded up to the nearest dollar).

Notwithstanding the foregoing, where operation of the provisions of this paragraph would result in a nonjudicial officer or employee receiving an increase in basic annual salary of less than 1,000 dollars, such nonjudicial officer or employee shall be placed in his or her grade on the April, 2018 salary schedule at his or her basic annual salary, including any increase pursuant to paragraph (1) of this subdivision, plus 1,000 dollars.

(3) Each such nonjudicial officer and employee in the employ of the unified court system having at least 20 years of continuous service in the employ of the unified court system as of the preceding March 31 shall receive a bonus equaling: (i) 2,000 dollars, if he or she has less than 25 years of such service as of such date; or (ii) 2,100 dollars, if he or she has at least 25 but less than 30 years of such service as of such date; or (iii) 2,200 dollars, if he or she has at least 30 years of such service as of such date.

§ 4. Location pay.

(a) Notwithstanding any other provision of law, any nonjudicial officer or employee to whom the provisions of section three of this act apply and whose principal place of employment is in the city of New York, Nassau county, Rockland county, Suffolk county or Westchester county shall receive location pay as follows:

(1) at the annual rate applicable to such officer or employee on April 1, 2015, commencing April 1, 2016;

(2) at a rate of 4,000 dollars annually, commencing April 1, 2018;

(3) at a rate of 4,100 dollars annually, commencing October 1, 2018; and

(4) at a rate of 4,200 dollars annually, commencing March 31, 2019.

(b) The location pay provided in this section shall be in lieu of any other location pay provided by law; except that, where a nonjudicial officer or employee eligible to receive location pay pursuant to the provisions of this section has received location pay during a fiscal year commencing on or after April 1, 2016, pursuant to law other than a provision of this act, the amount of location pay authorized by this section shall be reduced by the amount of the location pay that was received.

(c) Except as provided in subdivision (a) of this section, no nonjudicial officer or employee to whom the provisions of section three of this act applies shall receive location pay. Any location pay authorized hereunder shall be in addition to and shall not be a part of an employee's basic annual salary and shall not impair rights or benefits to which an employee may be entitled by law; provided, however, that location pay shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. Location pay, as provided in this section, shall be prorated for any nonjudicial officer or employee to whom the provisions of section three of this act applies and whose position is part-time, but not compensated on a per diem or hourly basis.

§ 5. Application of this act to nonjudicial officers and employees of the unified court system in other negotiating units. In the event that, on or after the date on which this section shall become law, 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 state 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 sections three and four of this act are provided for therein.

§ 6. Collective bargaining agreement required. The provisions of sections three and four 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

1 chief administrator of the courts shall deliver to the comptroller a  
2 certificate that there is in effect with respect to such negotiating  
3 unit a written collective bargaining agreement with the state pursuant  
4 to article fourteen of the civil service law which provides therefor;  
5 and any increase in compensation, including increases in basic annual  
6 salary, increments or partial increments or bonuses, provided by  
7 sections three and four of this act or otherwise authorized by law shall  
8 not preclude any other increases in compensation for such a nonjudicial  
9 officer or employee as may be authorized by law.

10 § 7. Date of entitlement to salary increase. Notwithstanding the  
11 provisions of this act or any other law, each increase in salary or  
12 compensation for nonjudicial officers or employees provided by this act  
13 shall be added to the salary or compensation of such officer or employee  
14 at the beginning of the payroll period the first day of which is nearest  
15 to the effective date of such increase as provided in this act;  
16 provided, however, for the purposes of determining the salary of such  
17 officer or employee upon reclassification, reallocation, appointment,  
18 promotion, transfer, demotion, reinstatement or other change of status,  
19 such salary increase shall be deemed to be effective on the date thereof  
20 as prescribed in this act, and the payment thereof pursuant to this  
21 section on the date prior thereto instead of on such effective date,  
22 shall not operate to confer any additional salary rights or benefits on  
23 such officer or employee.

24 § 8. Deferred payment of salary increase. Notwithstanding the  
25 provisions of this act or any other law, commencing April 1, 2016, and  
26 pending payment pursuant to this act of the basic annual salaries of  
27 incumbents of positions subject to this act commencing April 1, 2016,  
28 such incumbents shall receive, as partial compensation for services  
29 rendered, the rate of compensation otherwise payable in their respective  
30 positions pursuant to law then in effect. An incumbent holding a posi-  
31 tion subject to this act at any time during the period from April 1,  
32 2016 until the time when basic annual salaries are first paid pursuant  
33 to this act for such service in excess of the compensation actually  
34 received therefor shall be entitled to a lump sum payment for the  
35 difference between the salary to which such incumbent is entitled for  
36 such service and the compensation actually received therefor. Such lump  
37 sum payment shall be made as soon as practicable.

38 § 9. This act shall take effect immediately and shall be deemed to  
39 have been in full force and effect on and after April 1, 2016.