

STATE OF NEW YORK

8539

2017-2018 Regular Sessions

IN ASSEMBLY

June 20, 2017

Introduced by M. of A. D'URSO, ABBATE, GLICK -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to provide for the adjustment of stipends of certain incumbents in the state university of New York and designating moneys therefor; to continue a doctoral program recruitment and retention enhancement fund; to continue work-life services programs; to continue a professional development committee; to continue a comprehensive college graduate program recruitment and retention fund; to continue a fee mitigation fund; to continue a downstate location fund; to continue a joint labor management advisory board; to continue an accidental death benefit; and making an appropriation therefor

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

1 Section 1. Adjustment to stipends of certain incumbents in the state
2 university of New York. (a) The stipend as of academic year 2016-2017
3 for an incumbent of a position in the state university of New York in
4 the collective negotiating unit designated as the state university grad-
5 uate student negotiating unit in the state university of New York estab-
6 lished pursuant to article 14 of the civil service law, on September 30,
7 2016, shall be increased by two percent adjusted to the nearest whole
8 dollar, commencing the beginning of the payroll period the first day of
9 which is nearest to October 1, 2016. "Incumbent," as referenced in this
10 subdivision, shall be defined as members of the state university gradu-
11 ate student negotiating unit established pursuant to article 14 of the
12 civil service law who were employed by the state university of New York
13 on the effective date of the increase and at the time of payment.
14 (b) The stipend as of academic year 2017-2018 for an incumbent of a
15 position in the state university of New York in the collective negotiat-
16 ing unit designated as the state university graduate student negotiating
17 unit in the state university of New York established pursuant to article
18 14 of the civil service law, on September 30, 2017, shall be increased

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

LBD12016-01-7

1 by two percent adjusted to the nearest whole dollar, commencing the
2 beginning of the payroll period the first day of which is nearest to
3 October 1, 2017. "Incumbent," as referenced in this subdivision, shall
4 be defined as members of the state university graduate student negotiat-
5 ing unit established pursuant to article 14 of the civil service law who
6 were employed by the state university of New York on the effective date
7 of the increase and at the time of payment.

8 (c) The stipend as of academic year 2018-2019 for an incumbent of a
9 position in the state university of New York in the collective negotiat-
10 ing unit designated as the state university graduate student negotiating
11 unit in the state university of New York established pursuant to article
12 14 of the civil service law, on September 30, 2018, shall be increased
13 by two percent adjusted to the nearest whole dollar, commencing the
14 beginning of the payroll period the first day of which is nearest to
15 October 1, 2018. "Incumbent," as referenced in this subdivision, shall
16 be defined as members of the state university graduate student negotiat-
17 ing unit established pursuant to article 14 of the civil service law who
18 were employed by the state university of New York on the effective date
19 of the increase and at the time of payment.

20 (d) (i) This subdivision shall apply to employees in the collective
21 negotiating unit designated as the state university graduate student
22 negotiating unit in the state university of New York established pursu-
23 ant to article 14 of the civil service law.

24 (ii) The minimum stipend for academic year 2016-2017 shall increase by
25 two percent to \$9,573 annually for employees on full assistantships at
26 university center campuses effective concurrent with the effective date
27 of the increase in subdivision (a) of this section commencing the begin-
28 ning of the payroll period the first day of which is nearest to October
29 1, 2016.

30 (iii) The minimum stipend for academic year 2017-2018 shall increase
31 by two percent to \$9,764 annually for employees on full assistantships
32 at university center campuses effective concurrent with the effective
33 date of the increase in subdivision (b) of this section commencing the
34 beginning of the payroll period the first day of which is nearest to
35 October 1, 2017.

36 (iv) The minimum stipend for academic year 2018-2019 shall increase by
37 two percent to be \$9,959 annually for employees on full assistantships
38 at university center campuses effective concurrent with the effective
39 date of the increase in subdivision (c) of this section commencing the
40 beginning of the payroll period the first day of which is nearest to
41 October 1, 2018.

42 (v) Nothing herein shall prevent the state university of New York, in
43 its discretion, from increasing amounts paid to an incumbent of a posi-
44 tion of the state university graduate student negotiating unit in the
45 state university of New York established pursuant to article 14 of the
46 civil service law in addition to the minimum stipend provided, however,
47 that the amounts required for such other increases and the cost of
48 fringe benefits attributable to such other increases, as determined by
49 the comptroller, are made available to the state in accordance with
50 procedures established by the state university of New York.

51 (e) Notwithstanding any of the foregoing provisions of this section,
52 any increase in compensation or lump sum payment may be withheld in
53 whole or in part from any employee to whom the provisions of this
54 section are applicable when, in the opinion of the chancellor of the
55 state university of New York, the director of the budget, and the direc-

1 tor of the governor's office of employee relations, such increase is not
2 warranted or is not appropriate.

3 § 2. Doctoral program recruitment and retention enhancement fund.
4 There is hereby continued, within the state university of New York, a
5 doctoral program recruitment and retention enhancement fund from the
6 amounts appropriated herein. Such fund shall be used to enhance employee
7 compensation for the purpose of recruitment and retention of new and
8 existing doctoral students in selected programs. The specific doctoral
9 programs eligible for enhanced compensation pursuant to this section
10 shall be at the discretion of the state university of New York. Pursuant
11 to the terms of the collective bargaining agreement, these funds may be
12 reallocated for use by other joint committees upon mutual agreement of
13 the parties. To be eligible for such payment, an employee must be
14 employed on or after July 2, 2016 and at the time of payment. This
15 program shall expire July 1, 2019.

16 § 3. Comprehensive college graduate program recruitment and retention
17 fund. There is hereby continued, within the state university of New
18 York, a comprehensive college graduate program recruitment and retention
19 fund from the amounts appropriated herein. Such fund shall be used to
20 enhance employee compensation for the purpose of recruitment and
21 retention of new and existing graduate students in selected degree
22 programs. The specific graduate degree programs eligible for enhanced
23 compensation pursuant to this section shall be at the discretion of the
24 state university of New York. Pursuant to the terms of the collective
25 bargaining agreement, these funds may be reallocated for use by other
26 joint committees upon mutual agreement of the parties. To be eligible
27 for such payment, an employee must be employed on or after July 2, 2016
28 and at the time of payment. This program shall expire July 1, 2019.

29 § 4. Fee mitigation fund. There is hereby continued, within the state
30 university of New York, a fee mitigation fund from the amounts appropri-
31 ated herein. Such fund shall be used for the purpose of funding the cost
32 of various fees, including but not limited to technology fees. Pursuant
33 to the terms of the collective bargaining agreement, these funds may be
34 reallocated for use by other joint committees upon mutual agreement of
35 the parties. To be eligible for such payment, an employee must be
36 employed on or after July 2, 2016 and at the time of payment. This
37 program shall expire July 1, 2019.

38 § 5. Downstate location fund. There is hereby continued, within the
39 state university of New York, a downstate location fund from the amounts
40 appropriated herein. Such fund shall be used for the purpose of funding
41 location adjustments in the downstate area for employees whose work site
42 is New York City, Suffolk, Nassau, Rockland, Westchester, Dutchess,
43 Putnam or Orange counties. The specific location adjustments funded
44 pursuant to this section shall be at the discretion of the state univer-
45 sity of New York. Pursuant to the terms of the collective bargaining
46 agreement, these funds may be reallocated for use by other joint commit-
47 tees upon mutual agreement of the parties. To be eligible for such
48 payment, an employee must be employed on or after July 2, 2016 and at
49 the time of payment. This program shall expire July 1, 2019.

50 § 6. Joint labor management advisory board. Pursuant to the terms of
51 an agreement negotiated between the state and the employee organization
52 representing employees in the collective negotiating unit designated as
53 the state university graduate student negotiating unit in the state
54 university of New York established pursuant to article 14 of the civil
55 service law, there shall be continued a joint labor management advisory
56 board to study and make recommendations concerning issues of work-life

1 services programs and implement agreements that may be entered into
2 between the state and such employee organization concerning such issues
3 within the appropriations made available therefor. Pursuant to the
4 terms of the collective bargaining agreement, these funds may be reallo-
5 cated for use by other joint committees upon mutual agreement of the
6 parties.

7 § 7. Work-life services programs. Pursuant to the terms of an agree-
8 ment negotiated between the state and the employee organization repres-
9 enting the collective negotiating unit designated as the state universi-
10 ty graduate student negotiating unit in the state university of New York
11 established pursuant to article 14 of the civil service law, there shall
12 be continued work-life services programs to be administered in accord-
13 ance with such agreement within the appropriations made available there-
14 for. Pursuant to the terms of the collective bargaining agreement,
15 these funds may be reallocated for use by other joint committees upon
16 mutual agreement of the parties. This program shall expire July 1, 2019.

17 § 8. Professional development committee. Pursuant to the terms of an
18 agreement negotiated between the state and the employee organization
19 representing the collective negotiating unit designated as the state
20 university graduate student negotiating unit in the state university of
21 New York established pursuant to article 14 of the civil service law,
22 there shall be continued a professional development committee to review,
23 make recommendations and implement programs for professional develop-
24 ment. Such program shall be administered in accordance with such agree-
25 ment within the appropriations made available therefor. Pursuant to the
26 terms of the collective bargaining agreement, these funds may be reallo-
27 cated for use by other joint committees upon mutual agreement of the
28 parties. This program shall expire July 1, 2019.

29 § 9. Notwithstanding any provision of law to the contrary, the appro-
30 priations contained in this act shall be available to the state for the
31 payment of grievance and arbitration settlements and awards provided for
32 in the collective negotiating agreement between the state and employee
33 organization representing the collective negotiating unit designated as
34 the state university graduate student negotiating unit in the state
35 university of New York established pursuant to article 14 of the civil
36 service law.

37 § 10. Accidental death benefit. Pursuant to the terms of an agreement
38 negotiated between the state and the employee organization representing
39 the collective negotiating unit designated as the state university grad-
40 uate student negotiating unit in the state university of New York estab-
41 lished pursuant to article 14 of the civil service law, there shall
42 continue to be a death benefit in the amount of fifty thousand dollars,
43 in the event an employee dies on or after July 2, 2007 as the result of
44 an accidental on-the-job injury and a death benefit is paid pursuant to
45 the workers' compensation law, payable by the state to the employee's
46 surviving spouse and children to whom the workers' compensation acci-
47 dental death benefit is paid, or to the employee's estate, and in the
48 same proportion as the workers' compensation accidental death benefit is
49 paid. Such program shall be administered in accordance with such agree-
50 ment within the appropriations made available therefor.

51 § 11. Stipend increases and benefit modifications. The stipend
52 increases and benefit modifications provided for by this act for state
53 employees and any incumbent, as defined by section one of this act, in
54 the collective negotiating unit designated as the state university grad-
55 uate student negotiating unit in the state university of New York estab-
56 lished pursuant to article 14 of the civil service law shall not be

1 implemented until the director of the governor's office of employee
2 relations has delivered to the director of the budget and the comp-
3 troller a letter certifying that there is in effect with respect to such
4 negotiating unit a collective negotiating agreement which provides for
5 such increases and modifications and which is ratified and fully
6 executed in writing with the state pursuant to article 14 of the civil
7 service law.

8 § 12. Date of entitlement to stipend increase. Notwithstanding the
9 provisions of this act or of any other provision of law to the contrary,
10 the stipend increase of any incumbent, as defined by section one of this
11 act, of the collective negotiating unit designated as the state univer-
12 sity graduate student negotiating unit in the state university of New
13 York established pursuant to article 14 of the civil service law, as
14 provided by this act, shall be added to the stipend of such incumbent at
15 the beginning of the payroll period the first day of which is nearest to
16 the effective date of such increase as provided in this act, or at the
17 beginning of the earlier of two payroll periods the first days of which
18 are nearest but equally near to the effective date of such increase as
19 provided in this act; provided, however, that for the purposes of deter-
20 mining the stipend of such employee upon reclassification, reallocation,
21 appointment, promotion, transfer, demotion, reinstatement or other
22 change of status, such stipend increase shall be deemed to be effective
23 on the date thereof as prescribed by this act, and the payment thereof
24 pursuant to this section on a date prior thereto, instead of on such
25 effective date, shall not operate to confer any additional compensation
26 rights or benefits on such employee. Payment of such stipend increase
27 may be deferred pursuant to section thirteen of this act.

28 § 13. Deferred payment of stipend increase. Notwithstanding the
29 provisions of this act, or of any other provision of law to the contra-
30 ry, pending payment of stipends pursuant to this act for any incumbent,
31 as defined by section one of this act, of positions subject to this act,
32 such incumbent shall receive, as partial compensation for services
33 rendered, the stipends otherwise payable in their respective position.
34 An incumbent, as defined by section one of this act, holding a position
35 subject to this act at any time during the period from July 2, 2016,
36 until the time when stipend increases are first paid pursuant to this
37 act for such services in excess of the compensation actually received
38 therefor, shall be entitled to a lump sum payment for the difference
39 between the stipend to which such incumbent is entitled for such service
40 and the stipend actually received therefor. Such lump sum payment shall
41 be made as soon as practicable.

42 § 14. Use of appropriations. Notwithstanding any provision of the
43 state finance law or any other provision of law to the contrary, the
44 state comptroller is authorized to pay any amounts required by the fore-
45 going provisions of this act. To the extent that existing appropriations
46 available to any state department or agency in any fund are insufficient
47 to accomplish the purposes set forth in this section, the director of
48 the budget is authorized to allocate to the various departments and
49 agencies, from any appropriations available in any fund, the amounts
50 necessary to make such payments. Any appropriations or other funds
51 available to any state department or agency for personal service or for
52 other related employee benefits during the fiscal year commencing April
53 1, 2016 or April 1, 2017 shall be available for the payment of any
54 liabilities or obligations incurred pursuant to the foregoing provisions
55 of this act, whether occurring prior to or during the state fiscal year
56 commencing April 1, 2017.

§ 15. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the sum of five million seven hundred seventy thousand dollars (\$5,770,000) is hereby appropriated in the general fund/state purposes account (10050) in miscellaneous-all state departments and agencies solely for apportionment/transfer by the director of the budget for use by any state department or agency in any fund for the fiscal year beginning April 1, 2016 or April 1, 2017 to supplement appropriations for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2016 or April 1, 2017. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before March 31, 2018.

§ 16. Notwithstanding any provision of the state finance law to the contrary, the several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated for the fiscal year beginning April 1, 2016 or April 1, 2017 to supplement appropriations available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as nonpersonal service may be suballocated/transferred to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2016 or April 1, 2017. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before March 31, 2018. No money shall be available for expenditure from this appropriation until a certification of approval has been issued by the director of the budget and such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account - 10050

MAINTENANCE UNDISTRIBUTED

Doctoral Program Recruitment and Retention Enhancement Fund	1,407,000
Comprehensive College Graduate Program Recruitment and Retention Fund	411,000
Fee Mitigation Fund	1,215,000
Downstate Location Fund	738,000
Work-Life Services Programs	200,000
Statewide Professional Development Committee	352,000

§ 17. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 2, 2016.