STATE OF NEW YORK

6818

2017-2018 Regular Sessions

IN SENATE

June 20, 2017

Introduced by Sens. AMEDORE, TEDISCO, MARCHIONE -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil service law and the state finance law, in relation to compensation and other terms and conditions of employment of certain state officers and employees, to authorize funding of joint labor-management committees, to implement agreements between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees, in relation to rates of pay for certain state employees; to repeal certain provisions of the civil service law relating thereto; and making an appropriation for the purpose of effectuating certain provisions hereof

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

Section 1. Subparagraphs 1, 2 and 3 of paragraph a of subdivision 1 of section 130 of the civil service law are REPEALED and five new subparagraphs 1, 2, 3, 4 and 5 are added to read as follows:

(1) Effective April seventh, two thousand sixteen for officers and employees on the administrative payroll and effective March thirty-first, two thousand sixteen for officers and employees on the institutional payroll:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	23391	24180	24969	25758	26547	27336	28125	28914	789
2	24284	25112	25940	26768	27596	28424	29252	30080	828
3	25496	26361	27226	28091	28956	29821	30686	31551	865
4	26609	27525	28441	29357	30273	31189	32105	33021	916
5	27882	28841	29800	30759	31718	32677	33636	34595	959
6	29442	30439	31436	32433	33430	34427	35424	36421	997

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

LBD12022-01-7

7	31070	32116	33162	34208	35254	36300	37346	38392	1046
8	32822	33907	34992	36077	37162	38247	39332	40417	1085
9	34651	35785	36919	38053	39187	40321	41455	42589	1134
10	36633	37822	39011	40200	41389	42578	43767	44956	1189
11	38758	40007	41256	42505	43754	45003	46252	47501	1249
12	40975	42267	43559	44851	46143	47435	48727	50019	1292
13	43406	44758	46110	47462	48814	50166	51518	52870	1352
14	45918	47326	48734	50142	51550	52958	54366	55774	1408
15	48584	50051	51518	52985	54452	55919	57386	58853	1467
16	51305	52840	54375	55910	57445	58980	60515	62050	1535
17	54193	55815	57437	59059	60681	62303	63925	65547	1622
18	57324	59018	60712	62406	64100	65794	67488	69182	1694
19	60395	62173	63951	65729	67507	69285	71063	72841	1778
20	63555	65402	67249	69096	70943	72790	74637	76484	1847
21	66963	68897	70831	72765	74699	76633	78567	80501	1934
22	70553	72575	74597	76619	78641	80663	82685	84707	2022
23	74325	76435	78545	80655	82765	84875	86985	89095	2110
24	78371	80555	82739	84923	87107	89291	91475	93659	2184
25	82702	84983	87264	89545	91826	94107	96388	98669	2281

(2) Effective April sixth, two thousand seventeen for officers and employees on the administrative payroll and effective March thirtieth, two thousand seventeen for officers and employees on the institutional payroll:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	23859	24664	25469	26274	27079	27884	28689	29494	805
2	24770	25615	26460	27305	28150	28995	29840	30685	845
3	26006	26888	27770	28652	29534	30416	31298	32180	882
4	27141	28075	29009	29943	30877	31811	32745	33679	934
5	28440	29418	30396	31374	32352	33330	34308	35286	978
6	30031	31048	32065	33082	34099	35116	36133	37150	1017
7	31691	32758	33825	34892	35959	37026	38093	39160	1067
8	33478	34585	35692	36799	37906	39013	40120	41227	1107
9	35344	36501	37658	38815	39972	41129	42286	43443	1157
10	37366	38579	39792	41005	42218	43431	44644	45857	1213
11	39533	40807	42081	43355	44629	45903	47177	48451	1274
12	41795	43113	44431	45749	47067	48385	49703	51021	1318
13	44274	45653	47032	48411	49790	51169	52548	53927	1379
14	46836	48272	49708	51144	52580	54016	55452	56888	1436
15	49556	51052	52548	54044	55540	57036	58532	60028	1496
16	52331	53897	55463	57029	58595	60161	61727	63293	1566
17	55277	56931	58585	60239	61893	63547	65201	66855	1654
18	58470	60198	61926	63654	65382	67110	68838	70566	1728
19	61603	63417	65231	67045	68859	70673	72487	74301	1814
20	64826	66710	68594	70478	72362	74246	76130	78014	1884
21	68302	70275	72248	74221	76194	78167	80140	82113	1973
22	71964	74026	76088	78150	80212	82274	84336	86398	2062
23	75812	77964	80116	82268	84420	86572	88724	90876	2152
24	79938	82166	84394	86622	88850	91078	93306	95534	2228
25	84356	86683	89010	91337	93664	95991	98318	100645	2327

(3) Effective April fifth, two thousand eighteen for officers and employees on the administrative payroll and effective March twenty-

ninth, two thousand eighteen for officers and employees on the institutional payroll:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	24336	25157	25978	26799	27620	28441	29262	30083	821
2	25265	26127	26989	27851	28713	29575	30437	31299	862
3	26526	27426	28326	29226	30126	31026	31926	32826	900
4	27684	28637	29590	30543	31496	32449	33402	34355	953
5	29009	30007	31005	32003	33001	33999	34997	35995	998
6	30632	31669	32706	33743	34780	35817	36854	37891	1037
7	32325	33413	34501	35589	36677	37765	38853	39941	1088
8	34148	35277	36406	37535	38664	39793	40922	42051	1129
9	36051	37231	38411	39591	40771	41951	43131	44311	1180
10	38113	39350	40587	41824	43061	44298	45535	46772	1237
11	40324	41623	42922	44221	45520	46819	48118	49417	1299
12	42631	43975	45319	46663	48007	49351	50695	52039	1344
13	45159	46566	47973	49380	50787	52194	53601	55008	1407
14	47773	49238	50703	52168	53633	55098	56563	58028	1465
15	50547	52073	53599	55125	56651	58177	59703	61229	1526
16	53378	54975	56572	58169	59766	61363	62960	64557	1597
17	56383	58070	59757	61444	63131	64818	66505	68192	1687
18	59639	61402	63165	64928	66691	68454	70217	71980	1763
19	62835	64685	66535	68385	70235	72085	73935	75785	1850
20	66123	68045	69967	71889	73811	75733	77655	79577	1922
21	69668	71680	73692	75704	77716	79728	81740	83752	2012
22	73403	75506	77609	79712	81815	83918	86021	88124	2103
23	77328	79523	81718	83913	86108	88303	90498	92693	2195
24	81537	83810	86083	88356	90629	92902	95175	97448	2273
25	86043	88417	90791	93165	95539	97913	100287	102661	2374

(4) Effective April fourth, two thousand nineteen for officers and employees on the administrative payroll and effective March twenty-eighth, two thousand nineteen for officers and employees on the institutional payroll:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	24823	25660	26497	27334	28171	29008	29845	30682	837
2	25770	26649	27528	28407	29286	30165	31044	31923	879
3	27057	27975	28893	29811	30729	31647	32565	33483	918
4	28238	29210	30182	31154	32126	33098	34070	35042	972
5	29589	30607	31625	32643	33661	34679	35697	36715	1018
6	31245	32303	33361	34419	35477	36535	37593	38651	1058
7	32972	34082	35192	36302	37412	38522	39632	40742	1110
8	34831	35983	37135	38287	39439	40591	41743	42895	1152
9	36772	37976	39180	40384	41588	42792	43996	45200	1204
10	38875	40137	41399	42661	43923	45185	46447	47709	1262
11	41130	42455	43780	45105	46430	47755	49080	50405	1325
12	43484	44855	46226	47597	48968	50339	51710	53081	1371
13	46062	47497	48932	50367	51802	53237	54672	56107	1435
14	48728	50222	51716	53210	54704	56198	57692	59186	1494
15	51558	53115	54672	56229	57786	59343	60900	62457	1557
16	54446	56075	57704	59333	60962	62591	64220	65849	1629
17	57511	59232	60953	62674	64395	66116	67837	69558	1721
18	60832	62630	64428	66226	68024	69822	71620	73418	1798

19	64092	65979	67866	69753	71640	73527	75414	77301	1887
20	67445	69406	71367	73328	75289	77250	79211	81172	1961
21	71061	73113	75165	77217	79269	81321	83373	85425	2052
22	74871	77016	79161	81306	83451	85596	87741	89886	2145
23	78875	81114	83353	85592	87831	90070	92309	94548	2239
24	83168	85486	87804	90122	92440	94758	97076	99394	2318
25	87764	90185	92606	95027	97448	99869	102290	104711	2421

(5) Effective April second, two thousand twenty for officers and employees on the administrative payroll and effective March twenty-sixth, two thousand twenty for officers and employees on the institutional payroll:

SG	HR	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	JR	INCR
1	25319	26173	27027	27881	28735	29589	30443	31297	854
2	26285	27182	28079	28976	29873	30770	31667	32564	897
3	27598	28534	29470	30406	31342	32278	33214	34150	936
4	28803	29794	30785	31776	32767	33758	34749	35740	991
5	30181	31219	32257	33295	34333	35371	36409	37447	1038
6	31870	32949	34028	35107	36186	37265	38344	39423	1079
7	33631	34763	35895	37027	38159	39291	40423	41555	1132
8	35528	36703	37878	39053	40228	41403	42578	43753	1175
9	37507	38735	39963	41191	42419	43647	44875	46103	1228
10	39653	40940	42227	43514	44801	46088	47375	48662	1287
11	41953	43304	44655	46006	47357	48708	50059	51410	1351
12	44354	45752	47150	48548	49946	51344	52742	54140	1398
13	46983	48447	49911	51375	52839	54303	55767	57231	1464
14	49703	51227	52751	54275	55799	57323	58847	60371	1524
15	52589	54177	55765	57353	58941	60529	62117	63705	1588
16	55535	57197	58859	60521	62183	63845	65507	67169	1662
17	58661	60416	62171	63926	65681	67436	69191	70946	1755
18	62049	63883	65717	67551	69385	71219	73053	74887	1834
19	65374	67299	69224	71149	73074	74999	76924	78849	1925
20	68794	70794	72794	74794	76794	78794	80794	82794	2000
21	72482	74575	76668	78761	80854	82947	85040	87133	2093
22	76368	78556	80744	82932	85120	87308	89496	91684	2188
23	80453	82737	85021	87305	89589	91873	94157	96441	2284
24	84831	87195	89559	91923	94287	96651	99015	101379	2364
25	89519	91988	94457	96926	99395	101864	104333	106802	2469

§ 2. Subdivision 2 of section 208 of the civil service law, as amended by section 3 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

2. An employee organization certified or recognized pursuant to this article shall be entitled to unchallenged representation status until seven months prior to the expiration of a written agreement between the public employer and said employee organization determining terms and conditions of employment. For the purposes of this subdivision, (a) any such agreement for a term covering other than the fiscal year of the public employer shall be deemed to expire with the fiscal year ending immediately prior to the termination date of such agreement, (b) any such agreement having a term in excess of three years shall be treated as an agreement for a term of three years, provided, however, any such agreement between the state and an employee organization representing employees in the executive or judicial branches which commences in the

calendar year two thousand [~~eleven~~] sixteen having a term in excess of three years shall be treated as an agreement for a term certain specified in such agreement but in no event for a term greater than four years, and (c) extensions of any such agreement shall not extend the period of unchallenged representation status.

§ 3. Paragraph (e) of subdivision 3 of section 130 of the civil service law, as amended by section 4 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

(e) (1) Where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter on behalf of officers and employees serving in positions in the administrative services unit, institutional services unit, operational services unit or division of military and naval affairs unit so provides officers and employees to whom paragraph a of subdivision one of this section applies who, on or after April first, two thousand [~~eleven~~] sixteen, on their anniversary date have five or more years, but less than ten years, of continuous service as defined by paragraph (c) of this subdivision at a basic annual salary rate equal to or in excess of the job rate or maximum salary of their salary grade, shall receive a lump sum payment in the amount of one thousand two hundred fifty dollars. Effective April first, two thousand nineteen, such lump sum payment shall increase to one thousand five hundred dollars.

[~~Where~~] (2) Effective until March thirty-first, two thousand twenty, where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter on behalf of officers and employees serving in positions in the administrative services unit, institutional services unit, operational services unit or division of military and naval affairs unit so provides officers and employees to whom paragraph a of subdivision one of this section applies who, on or after April first, two thousand [~~eleven~~] sixteen, on their anniversary date have ten or more years of continuous service as defined by paragraph (c) of this subdivision at a basic annual salary rate equal to or in excess of the job rate or maximum salary of their salary grade shall receive a lump sum payment in the amount of two thousand five hundred dollars which, effective April first, two thousand nineteen, such lump sum payment shall be increased to three thousand dollars. Effective April first, two thousand twenty, where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter on behalf of officers and employees serving in positions in the administrative services unit, institutional services unit, operational services unit or division of military and naval affairs unit so provides officers and employees to whom paragraph a of subdivision one of this section applies who, on or after April first, two thousand twenty, on their anniversary date have ten or more years, but less than fifteen years, of continuous service as defined by paragraph (c) of this subdivision at a basic annual salary rate equal to or in excess of the job rate or maximum salary of their salary grade shall receive a lump sum payment in the amount of three thousand dollars.

(3) Effective April first, two thousand twenty, where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter on behalf of officers and employees serving in positions in the administrative services unit, institutional services unit, operational services unit or division of military and naval affairs unit so provides officers and employees to whom paragraph a of subdivision one of this section applies

who, on or after April first, two thousand twenty, on their anniversary date have fifteen or more years of continuous service as defined by paragraph (c) of this subdivision at a basic annual salary rate equal to or in excess of the job rate or maximum salary of their salary grade shall receive a lump sum payment in the amount of four thousand five hundred dollars.

(4) Such lump sum payment**, as provided by this paragraph,** shall be in addition to and not part of the employee's basic annual salary, provided however that any amount payable by this paragraph shall be included as compensation for overtime and retirement purposes.

Such lump sum payment**, as provided by this paragraph,** shall be payable in April of each fiscal year, or as soon as practicable thereafter, for those eligible employees who have achieved five or more, or ten or more**, or fifteen or more** years of continuous service as defined by paragraph (c) of this subdivision at a basic annual salary rate equal to or in excess of the job rate or maximum salary of their salary grade during the period October first through March thirty-first of the previous fiscal year. Such **lump sum** payment**, as provided by this paragraph,** shall be payable in October of each fiscal year, or as soon as practicable thereafter, for those eligible employees who have achieved five or more, or ten or more**, or fifteen or more** years of continuous service as defined by paragraph (c) of this subdivision at a basic annual salary rate equal to or in excess of the job rate or maximum salary of their salary grade during the period April first through September thirtieth of that same fiscal year.

§ 4. Subdivision 12-d of section 8 of the state finance law, as amended by section 5 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

12-d. Notwithstanding any inconsistent provision of the court of claims act, examine, audit and certify for payment any claim submitted and approved by the head of a state department or agency, other than a department or agency specified in subdivision twelve of this section, for personal property of an employee damaged or destroyed in the course of the performance of official duties without fault on his part by an inmate, patient or client of such department or agency after March thirty-first, two thousand [~~eleven~~] **sixteen** and prior to April first, two thousand [~~sixteen~~] **twenty-one**, provided no such claim may be certified for payment to an officer or employee who is in a collective negotiating unit until the director of employee relations shall deliver to the comptroller a letter that there is in effect with respect to such negotiating unit a written collectively negotiated agreement with the state pursuant to article fourteen of the civil service law which provides therefor. Payment of any such claim shall not exceed the sum of three hundred dollars. No person submitting a claim under this subdivision shall have any claim for damages to such personal property approved pursuant to the provision of subdivision four of section five hundred thirty of the labor law or any other applicable provision of law.

§ 5. Subdivision 12-e of section 8 of the state finance law, as amended by section 6 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

12-e. **(a)** Notwithstanding any inconsistent provision of the court of claims act, where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law on behalf of officers and employees serving in positions in the [~~professional, scientific and technical services unit,~~] administrative services unit, institutional services unit, operational services unit or [~~and~~] **division of** military and naval affairs unit so provides, examine, audit and certify for payment any claim submitted and approved by the head of a state department or agency for personal property of an officer or employee damaged or destroyed in the actual performance of official duties without fault or negligence of the officer or employee other than a claim specified and covered by subdivision twelve or twelve-d of this section after March thirty-first, two thousand [~~eleven~~] **sixteen** and [~~before~~] **prior to** April first, two thousand [~~sixteen~~] **twenty-one**. Payment of such claim shall not exceed the sum of three hundred fifty dollars. Where an agreement between the state and such employee organization entered into pursuant to article fourteen of the civil service law provides for payment to be made to officers and employees by a state department or agency, such payments for claims not in excess of the amount specified in subdivision three of section one hundred fifteen of this chapter may be made from a petty cash account established pursuant to section one hundred fifteen of this chapter and in the manner prescribed therein and pursuant to regulations of the comptroller. No person submitting a claim under this subdivision shall have any claim for damages to such personal property approved pursuant to the provisions of subdivision four of section five hundred thirty of the labor law or any other applicable provision of law.

(b) Notwithstanding any inconsistent provision of the court of claims act, where, and to the extent that, an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law on behalf of officers and employees serving in positions in the professional, scientific and technical services unit so provides, examine, audit and certify for payment any claim submitted and approved by the head of a state department or agency for personal property of an officer or employee damaged or destroyed in the actual performance of official duties without fault or negligence of the officer or employee other than a claim specified and covered by subdivision twelve or twelve-d of this section after March thirty-first, two thousand sixteen and prior to April first, two thousand nineteen. Payment of such claim shall not exceed the sum of three hundred fifty dollars. Where an agreement between the state and such employee organization entered into pursuant to article fourteen of the civil service law provides for payment to be made to officers and employees by a state department or agency, such payments for claims not in excess of the amount specified in subdivision three of section one hundred fifteen of this chapter may be made from a petty cash account established pursuant to section one hundred fifteen of this chapter and in the manner prescribed therein and pursuant to regulations of the comptroller. No person submitting a claim under this subdivision shall have any claim for damages to such personal property approved pursuant to the provisions of subdivision four of section five hundred thirty of the labor law or any other applicable provision of law.

§ 6. Subdivision 1 of section 134 of the civil service law, as amended by chapter 382 of the laws of 1973, is amended to read as follows:

1. For all state officers and employees, other than officers and employees of the legislature and the judiciary and other than those who shall be excluded pursuant to the rules and regulations hereafter mentioned, the workweek for basic annual salary shall not be more than forty-hours; and, notwithstanding any inconsistent provisions of law, and subject to the rules and regulations promulgated by the director of the budget, any such state officer and employee who is authorized or required to work more than forty hours in any week in his regular posi-

tion or title or in a position the title of which is allocated to the same salary grade as his regular position, shall receive overtime compensation for the hours worked in excess of forty in each week at one and one-half times the hourly rate of pay received by such employee in his regular position; provided, however, that an employee not subject to the overtime provisions of the federal "Fair Labor Standards Act of 1938" as amended by the federal "Fair Labor Standards Amendments of 1966", being public law six hundred one of the eighty-ninth congress, as approved September twenty-three, nineteen hundred sixty-six, and all acts amendatory thereof and supplementary thereto, may by written agreement with his proper authority exchange hours of work with other employees doing similar work in the same state institution or other state governmental unit without overtime compensation. Upon the approval of the director of the budget a member of the state police may be considered to have worked, for the purpose of determining overtime compensation pursuant to the provisions of this section, a minimum of four hours each time he is recalled to work overtime after completing his scheduled work period and leaving his scheduled work station or may be considered to have worked a minimum of two hours each time he is scheduled to return and returns to duty to work overtime for the purpose of making an appearance in court after completing his regularly scheduled work period and leaving his regularly scheduled work station. Upon the approval of the director of the budget an employee may be considered to have worked, for the purpose of determining overtime compensation pursuant to the provisions of this section, a minimum of one-half day each time he is recalled to work overtime after completing his scheduled work period and leaving his scheduled work station; provided, however, that, subject to the terms of an agreement negotiated between the state and an employee organization pursuant to article fourteen of the civil service law, an employee recalled to work may be considered to have worked less than a minimum of one-half day and an employee recalled to work more than once during a period of one-half day commencing with the onset of the initial recall will not be entitled to more than one-half day of overtime credit unless more than one-half day is actually worked. When an employee shall work overtime in a position which has a title which is allocated to a lower salary grade than the salary grade to which the title of his regular position is allocated, he shall receive overtime compensation at one and one-half times the hourly rate of pay of the maximum salary of the grade of the position in which he shall work overtime, or such maximum salary plus the additional increment or increments, if he would be entitled to such additional increment or increments were he then appointed to such position; provided, however, that when such hourly rate exceeds the hourly rate of pay received by him in his regular position, he shall receive one and one-half times the hourly rate of his regular position. When an employee works overtime in a position allocated to a salary grade higher than the salary grade to which his regular position is allocated, he shall receive overtime compensation at one and one-half times the hourly rate of pay of the rate of compensation to which he would be entitled if he were permanently promoted to the position in which such overtime work is performed. **<u>Notwithstanding any other provision of law, where an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter on behalf of officers and employees serving in positions in the institutional services unit so provides such officers and employees shall receive overtime compensation at a rate of two times the hourly rate of pay received by such employee in his regular position</u>**

for such hours of work that qualify for such payment under the terms of such agreement.

§ 7. Compensation for certain state officers and employees in collective negotiating units. 1. The provisions of this section shall apply, except as otherwise stated in this section, to all full-time officers and employees in the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit, or the division of military and naval affairs unit established pursuant to article 14 of the civil service law.

2. Effective April 7, 2016 for officers and employees on the administrative payroll and effective March 31, 2016 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time annual salaried employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

3. Effective April 6, 2017 for officers and employees on the administrative payroll and effective March 30, 2017 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time annual salaried employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

4. Effective April 5, 2018 for officers and employees on the administrative payroll and effective March 29, 2018 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time annual salaried employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

5. Effective April 4, 2019 for officers and employees on the administrative payroll and effective March 28, 2019 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time annual salaried employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

6. Effective April 2, 2020 for officers and employees on the administrative payroll and effective March 26, 2020 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time annual salaried employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

7. Notwithstanding the provisions of subdivisions two, three, four, five and six of this section, if the basic annual salary of an officer or employee to whom the provisions of this section apply is identical with the hiring rate, step one, two, three, four, five, six or job rate of the salary grade of his or her position on the effective dates of the increases provided in these subdivisions, such basic annual salary shall be increased to the hiring rate, step one, two, three, four, five, six or job rate, respectively, of such salary grade as contained in the appropriate salary schedules in subparagraphs 1, 2, 3, 4 and 5 of paragraph a of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on the dates provided in subparagraphs 1, 2, 3, 4 and 5, respectively. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, four, five and six of this section.

8. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for full-time annual salaried officers and

employees entitled to such payments to whom the provisions of this section apply shall be payable in accordance with the terms of an agreement reached pursuant to article 14 of the civil service law between the state and an employee organization representing employees subject to the provisions of this section.

9. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and filled by the appointment of an officer or employee who is subject to the provisions of this section, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered.

10. The increases in salary provided in subdivisions two, three, four, five, and six of this section, shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salary rate. Notwithstanding the foregoing, the provisions of subdivision eight of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

11. In order to provide for the officers and employees to whom this section applies who are not allocated to salary grades, but are paid on an annual basis, increases and payments pursuant to subdivision eight of this section in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments and/or payments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries and/or payments thereof for which adjustments and/or payments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the state department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

12. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis.

13. Notwithstanding any other provision of this section, any increase in compensation for any officer or employee appointed to a lower graded position from a redeployment list pursuant to subdivision 1 of section 79 of the civil service law who continues to receive his or her former salary pursuant to such subdivision shall be determined on the basis of such lower graded position provided, however, that the increases in salary provided in this section shall not cause such officer's or employee's salary to exceed the job rate of such lower graded position.

14. Notwithstanding any of the foregoing provisions of this section or of any law to the contrary, the director of the budget may reduce the salary of any position which is vacant or which becomes vacant, so long as the position, if encumbered, would be subject to the provisions of this section. The director of the budget does not need to provide a reason for such reduction.

15. Notwithstanding any of the foregoing provisions of this section or of any law to the contrary, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this

section are applicable when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

§ 8. Compensation for certain employees of the contract colleges at Cornell and Alfred universities. 1. During the period April 1, 2016 to March 31, 2021, the basic annual salaries of positions in the nonprofessional service, except those positions in the Cornell service and maintenance unit which are subject to the terms of a collective bargaining agreement between Cornell University and the employee organization representing employees in such positions and except those positions in the Alfred service and maintenance unit which are subject to the terms of a collective bargaining agreement between Alfred University and the employee organization representing employees in such positions, in institutions under the management and control of Cornell and Alfred universities as representatives of the board of trustees of the state university may be increased pursuant to plans approved by the state university trustees. Such plans may include new salary schedules which shall supersede the salary schedules then in effect applicable to such employees. Such increases in basic annual salary rates, exclusive of performance advancement payments or merit recognition payments, shall not exceed in the aggregate the payments provided in subdivisions two, three, four, five, and six of section seven of this act, for incumbents of positions subject to this subdivision. Such plans may provide, within the appropriations available therefor, an amount for distribution in whole or in part for meritorious service by Cornell and Alfred universities, in their discretion, with the approval of the state university trustees to the incumbents of such positions.

2. For the purposes of this section, the basic annual salary of employees is that salary which is obtained through direct appropriation of state moneys for the purpose of paying wages. Nothing in this section shall prevent payment of additional amounts to incumbents of such positions in the nonprofessional service in addition to the basic annual salary; provided, however, that the amounts required for such additional payment, and the cost of fringe benefits attributable to such payment, as determined by the comptroller, are made available to the state in accordance with the procedures established by the state university for such purposes.

3. Notwithstanding the foregoing provisions of this section, any increase in compensation provided by this section may be withheld in whole or in part from any officer or employee when, in the opinion of the director of the budget, such withholding is necessary to reflect the job performance of such officer or employee, or to maintain appropriate salary relationships among officers or employees of the state, or to reduce state expenditures to acceptable levels, or when such increase is not warranted or is not appropriate for any reason and the salary of such officer or employee is set at the discretion of the appointing authority.

4. Notwithstanding the foregoing provisions of this subdivision, act or any other provision of law, rule or regulation to the contrary, the contract colleges at Cornell and Alfred universities are authorized to provide for a procedure for the repayment of salaries withheld from incumbents of positions subject to this subdivision as described in subdivision one of this section, pursuant to subdivision 2-a of section 200 of the state finance law in lieu of the lump sum payment authorized by subparagraph 3 of paragraph (a) of such subdivision, subject to the approval of the state university trustees. Further, Cornell and Alfred

universities are authorized to provide that the salary of employees newly hired on or after September 1, 1992 shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.

§ 9. Location compensation for certain state officers and employees in collective negotiating units. Notwithstanding any inconsistent provisions of law, full-time annual salaried officers and employees, as well as non-annual salaried seasonal officers and employees who shall receive the compensation provided for pursuant to this section on a prorated basis, except non-annual salaried officers and employees who are not seasonal, in the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit, or the division of military and naval affairs unit established pursuant to article 14 of the civil service law, whose principal place of employment or, in the case of a field employee, whose official station as determined in accordance with the regulations of the comptroller is located: (1) in the county of Monroe and who were eligible to receive location pay on March 31, 1985, shall receive location pay at the rate of $200 per year provided they continue to be otherwise eligible; (2) in the city of New York, or in the county of Rockland, Westchester, Nassau or Suffolk shall, effective April 1, 2016, continue to receive a downstate adjustment at the annual rate of $3,026; or (3) in the county of Dutchess, Putnam or Orange shall, effective April 1, 2016, continue to receive a mid-Hudson adjustment at the annual rate of $1,513. Such location payments shall be in addition to and shall not be a part of an officer's or employee's basic annual salary, and shall not affect or impair any performance advancements or other rights or benefits to which an officer or employee may be entitled by law, provided, however, that location payments shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. For the sole purpose of continuing eligibility for location pay in Monroe county, an officer or employee previously eligible to receive location pay on March 31, 1985 who is on an approved leave of absence or participates in an employer program to reduce to part-time service during summer months shall continue to be eligible for said location pay upon return to full-time state service in Monroe county.

§ 10. Continuation of location compensation for certain officers and employees of the Hudson Valley developmental disabilities services office. 1. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating units designated as the administrative services unit, the institutional services unit or the operational services unit, who is receiving location pay pursuant to section 5 of chapter 174 of the laws of 1993 shall continue to receive such location pay under the conditions and at the rates specified by such section.

2. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating units designated as the administrative services unit, the institutional services negotiating unit or the operational services negotiating unit, who is receiving location pay pursuant to subdivision 2 of section 9 of chapter 315 of the laws of 1995 shall continue to receive such location pay under the conditions and at the rates specified by such subdivision.

3. Notwithstanding section nine of this act or any other law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective

negotiating units designated as the administrative services unit, the institutional services unit or the operational services unit, who is receiving location pay pursuant to such section nine shall continue to be eligible for such location pay if such officer's or employee's principal place of employment is changed to a location outside of the county of Rockland as the result of a reduction or redeployment of staff, provided, however, that such officer or employee is reassigned to or otherwise appointed or promoted to a different position at another work location within the Hudson Valley developmental disabilities services office located outside of the county of Rockland. The rate of such continued location pay shall not exceed the rates such officer or employee is receiving on the date of such reassignment, appointment or promotion.

§ 11. Notwithstanding any law, rule or regulation to the contrary, certain full-time employees of the office for people with developmental disabilities in the collective negotiating unit designated as the institutional services unit who are required to sleep over at their work site shall continue to receive inconvenience pay pursuant to section 17 of chapter 333 of the laws of 1969 as amended, in accordance with and subject to the conditions established by the terms of a negotiated agreement between the state and an employee organization representing such unit and the resolution of a contract grievance bearing identification number 98-04-448.

§ 12. Additional compensation for certain employees in recognition of pre-shift briefing. 1. In recognition of the general requirement for full-time employees of the state in the collective negotiating unit designated as the division of military and naval affairs unit, established pursuant to article 14 of the civil service law, to assemble for briefing prior to the commencement of duties, each such employee shall continue to receive additional compensation at the rate of $60 per biweekly payroll period in accordance with the terms of a collectively negotiated agreement between the state and an employee organization representing such employees pursuant to article 14 of the civil service law. Such additional compensation shall be paid in addition to and shall not be a part of the employee's basic annual salary. Notwithstanding the foregoing provisions of this section, or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such employees paid prior to June 2, 1988, in recognition of pre-shift briefing.

2. Notwithstanding any inconsistent provisions of law, effective April 1, 2016, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, in recognition of the general requirement that certain full-time employees of the state in the collective negotiating unit designated as the institutional services unit, established pursuant to article 14 of the civil service law, in the employ of the office of children and family services, to assemble for briefing prior to the commencement of duties, each such employee shall continue to receive additional compensation in the amount of $4.80, or one-quarter hour of their overtime rate, whichever is higher, when they are required to and actually assemble for such briefing. Such additional compensation shall be paid in addition to and shall not be a part of the employee's basic annual salary.

§ 13. Assignment to duty pay. Notwithstanding any inconsistent provisions of law, effective April 1, 2016, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, an assignment to duty lump sum shall be paid each year to an employee who is serving in a particular assignment deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees assigned to qualifying work assignments and who work such assignments for the minimum periods of time in a year provided in the negotiated agreement. Assignment to duty pay shall not be paid in any year an employee does not meet the minimum period of time in such qualifying assignment required by the agreement or upon cessation of the assignment to duty program on March 30, 2021 unless an extension is negotiated by the parties. Such lump sum shall be considered salary only for final average salary retirement purposes.

§ 14. Long term seasonal employees. Notwithstanding any inconsistent provisions of law, effective April 1, 2016, where and to the extent that, an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides, a lump sum shall be paid each year to an employee who is serving in a qualifying long term seasonal position. Such payment shall be in an amount negotiated and pursuant to negotiated qualifying criteria and shall be considered salary only for final average salary retirement purposes. Such benefit shall be available until March 30, 2021.

§ 15. In recognition of the specific requirements for winter maintenance activity for full-time employees of the state department of transportation in the collective negotiating unit designated as the operational services unit, established pursuant to article 14 of the civil service law, and to the extent the terms of a negotiated agreement between the state and an employee organization representing such unit entered into pursuant to article 14 of the civil service law so provides, such employees shall receive payments for winter maintenance shifts and call-out responses if otherwise eligible and in accordance with such negotiated agreement.

§ 16. Subdivision 2 of section 17 of chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees, as amended by section 18 of part A of chapter 491 of the laws of 2011, is amended to read as follows:

2. Any employee subject to this section who is required to work a tour of duty which includes four or more hours between the hours of six p.m. and six a.m., exclusive of any hours for which he or she receives overtime compensation, shall be entitled to inconvenience pay for such tour of duty in an amount equal to the daily rate equivalent of four hundred dollars per year, unless a higher daily rate is authorized under the terms of a collective negotiated agreement between the state and an employee organization pursuant to article 14 of the civil service law, or is authorized by the director of the budget for employees excluded from negotiating rights under article 14 of the civil service law, in which case such daily rate may be up to five hundred seventy-five dollars per year, shall continue effective April 2, [~~2011~~] 2016. The provisions of this subdivision shall apply on a prorated basis to officers and employees serving on a seasonal basis in the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit, and the division of military and naval affairs unit, and officers and employees excluded from collective negotiating units established pursuant to article 14 of the civil service law.

§ 17. Notwithstanding any inconsistent provision of law, where and to the extent that any agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of employees in the collective negotiating units designated as the administrative, institutional, operational services negotiating units or the division of military and naval affairs negotiating unit established pursuant to article 14 of the civil service law, the state shall contribute an amount designated in such agreement and for the period covered by such agreement to the accounts of such employees enrolled for dependent care deductions pursuant to subdivision 7 of section 201-a of the state finance law. Such amounts shall be from funds appropriated in this act and shall not be part of basic annual salary for overtime or retirement purposes.

§ 18. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 33 and 34 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit or the division of military and naval affairs unit established pursuant to article 14 of the civil service law.

§ 19. During the period April 2, 2016 through April 1, 2021, there shall be a statewide labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and an employee organization representing employees in the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit or the division of military and naval affairs unit established pursuant to article 14 of the civil service law which shall, after April 2, 2016, have the responsibility of studying and making recommendations concerning the major issues of productivity, the quality of work life and implementing the agreements reached.

§ 20. The salary increases, benefit modifications, and any other modifications to terms and conditions of employment provided for by this act for state employees in the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit or the division of military and naval affairs unit established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to such negotiating units collectively negotiated agreements, ratified by the membership, which provide for such increases and modifications.

§ 21. Notwithstanding the provisions of any other section of this act or any other provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of salary and other compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2016, until the time when basic annual salaries and other compensation due are first paid pursuant to this act for such services in excess of the salary and other compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary and other compensation to which such incumbent is entitled for such services and the salary and other compensation actually received pursuant to the terms of an agreement between the state and the employee organization representing the employees covered by this act.

§ 22. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2017 by the foregoing provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund are insufficient to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

§ 23. No officer or employee participating in a special annuity program pursuant to the provisions of article 8-C of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which he or she would otherwise be entitled by reason of participation in such program, and such salary adjustment shall be based upon the salary of such officer or employee without regard to the reduction authorized by such article.

§ 24. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the sum of two hundred seventy-five million dollars ($275,000,000) 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, 2017 through March 31, 2018 to supplement appropriations for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. 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 through March 31, 2018. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before March 31, 2018.

§ 25. The several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning April 1, 2017 through March 31, 2018 to supplement appropriations from each respective fund available 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 through March 31, 2018. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES
SPECIAL PAY BILLS

General Fund / State Operations
State Purposes Account - 003

Non-personal Service

Joint committee on health benefits	1,815,000
Employee training and development	14,607,000
Safety and health maintenance committee	869,000
Employment security committee	716,000
Work-Life Services	3,520,000
Discipline	170,000
Statewide performance rating committee	56,000
Employee Assistance Program	884,000
Property damage	44,000
Work related clothing (operational services unit)	1,460,000
Tool allowance (operational services unit)	101,000
Tool insurance (operational services unit)	36,000
Uniform allowance (institutional services unit)	563,000
Work related clothing (institutional services unit)	105,000
Contract Administration	400,000

§ 26. This act shall take effect immediately following the ratification of the collective bargaining agreement entered into pursuant to article 14 of the civil service law between the executive branch of the state of New York and the employee organization representing members of the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit and the division of military and naval affairs unit. Following such ratification of the collective bargaining agreement, this act shall be deemed to have been in full force and effect on and after April 2, 2016. Provided that the executive shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law. Appropriations made by this act shall remain in full force and effect for liabilities incurred through March 31, 2018.

REPEAL NOTE.--Subparagraphs 1, 2, and 3 of paragraph a of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for state employees in the administrative services unit, the operational services unit, the institutional services unit and the division of military and naval affairs and are replaced by revised salary schedules in new subparagraphs 1, 2, 3, 4 and 5.