STATE OF NEW YORK

6819

2017-2018 Regular Sessions

IN SENATE

June 20, 2017

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

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:

Section 1. Adjustment to stipends of certain incumbents in the state university of New York. (a) The stipend as of academic year 2016-2017 for an incumbent of a position in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, on September 30, 2016, shall be increased by two percent adjusted to the nearest whole dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2016. "Incumbent," as referenced in this subdivision, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York on the effective date of the increase and at the time of payment.

(b) The stipend as of academic year 2017-2018 for an incumbent of a position in the state university of New York in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article

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

LBD12016-01-7

14 of the civil service law, on September 30, 2017, shall be increased by two percent adjusted to the nearest whole dollar, commencing the beginning of the payroll period the first day of which is nearest to October 1, 2017. "Incumbent," as referenced in this subdivision, shall be defined as members of the state university graduate student negotiating unit established pursuant to article 14 of the civil service law who were employed by the state university of New York on the effective date of the increase and at the time of payment.

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

(d) (i) This subdivision shall apply to employees in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law.

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

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

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

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

(e) Notwithstanding any of the foregoing provisions of this section, any increase in compensation or lump sum payment 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 chancellor of the state university of New York, the director of the budget, and the direc-

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

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

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

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

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

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

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

§ 7. Work-life services programs. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, there shall be continued work-life services programs to be administered in accordance with such agreement within the appropriations made available therefor. Pursuant to the terms of the collective bargaining agreement, these funds may be reallocated for use by other joint committees upon mutual agreement of the parties. This program shall expire July 1, 2019.

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

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

§ 10. Accidental death benefit. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law, there shall continue to be a death benefit in the amount of fifty thousand dollars, in the event an employee dies on or after July 2, 2007 as the result of an accidental on-the-job injury and a death benefit is paid pursuant to the workers' compensation law, payable by the state to the employee's surviving spouse and children to whom the workers' compensation accidental death benefit is paid, or to the employee's estate, and in the same proportion as the workers' compensation accidental death benefit is paid. Such program shall be administered in accordance with such agreement within the appropriations made available therefor.

§ 11. Stipend increases and benefit modifications. The stipend increases and benefit modifications provided for by this act for state employees and any incumbent, as defined by section one of this act, in the collective negotiating unit designated as the state university graduate student negotiating unit in the state university of New York established pursuant to article 14 of the civil service law shall not be

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

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

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

§ 14. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, 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 make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2016 or April 1, 2017 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether occurring prior to or during the state fiscal year 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.