

STATE OF NEW YORK

7440

IN SENATE

January 18, 2018

Introduced by Sens. GOLDEN, BONACIC -- (at request of the Office of Court Administration) -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT in relation to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system

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

1 Section 1. Legislative findings. The legislature finds that collective
2 bargaining agreements have been negotiated by the unified court system
3 with employee organizations representing nonjudicial officers and
4 employees in the New York City senior court officers and New York City
5 court officers negotiating units. The purpose of this act is to imple-
6 ment these agreements and any other collective bargaining agreement
7 negotiated by the unified court system with an employee organization
8 where, pursuant to section five of this act, the chief administrator of
9 the courts has delivered a certificate to the comptroller that such
10 collective bargaining agreement is in effect. References in this act to
11 the unified court system's classification structure shall mean the clas-
12 sification structure established by the chief administrator on May 28,
13 1979, as amended since that date. Reference to the April, 2018 salary
14 schedule shall mean the salary schedule promulgated by the chief admin-
15 istrator of the courts pursuant to subdivision (c) of section 2 of chap-
16 ter 98 of the laws of 2017. References to the April, 2019 salary sched-
17 ule and the April, 2020 salary schedule shall mean the salary schedules
18 promulgated by the chief administrator pursuant to subdivisions (a) and
19 (b) of section two of this act, respectively.

20 § 2. Salary schedule. The chief administrator of the courts shall
21 promulgate salary schedules as follows:

22 (a) Effective April 1, 2019, each of the rates of pay established by
23 the April, 2018 salary schedule shall be increased as follows:

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

26 (2) the amount of the increment for each grade shall equal one-seventh
27 of the difference (rounded up to the nearest dollar) between the maximum

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

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1 rate for such grade, as increased by paragraph 1 of this subdivision,
2 and 102 percent of the hiring rate for such grade on the April, 2018
3 salary schedule (rounded up to the nearest dollar);

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

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

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

15 (b) Effective April 1, 2020, each of the rates of pay established by
16 the April, 2019 salary schedule shall be increased as follows:

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

19 (2) the amount of the increment for each grade shall equal one-seventh
20 of the difference (rounded up to the nearest dollar) between the maximum
21 rate for such grade, as increased by paragraph 1 of this subdivision,
22 and 102 percent of the hiring rate for such grade on the April, 2019
23 salary schedule (rounded up to the nearest dollar);

24 (3) the hiring, first, second, third, fourth, fifth and sixth year
25 rates of compensation for each grade shall equal the maximum rate for
26 such grade, as increased by paragraph 1 of this subdivision, minus 7, 6,
27 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as
28 increased by paragraph 2 of this subdivision, respectively;

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

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

35 § 3. Increases in compensation.

36 (a) Each nonjudicial officer and employee of the unified court system
37 in a position allocated to a salary grade in the unified court system's
38 classification structure that is in any collective negotiating unit of
39 nonjudicial officers and employees of the unified court system where,
40 pursuant to section five of this act, the chief administrator of the
41 courts has delivered to the comptroller a certificate that an employee
42 organization representing nonjudicial officers and employees in such
43 unit has negotiated a collective bargaining agreement with the unified
44 court system that is in effect, or that is in any of the following
45 collective negotiating units, shall receive increased compensation in
46 accordance with this section: (1) New York City senior court officers
47 and (2) New York City court officers. Bonuses and increases to basic
48 annual salary, as provided in this section, shall be prorated for any
49 nonjudicial officer or employee whose position is part-time, or who
50 otherwise works part-time, and who is eligible, under the rules of the
51 chief judge of the state or an agreement between the state and an
52 employee organization pursuant to the provisions of article fourteen of
53 the civil service law, to accrue annual and sick leave credits. Bonuses
54 as provided in this section, and payments pursuant to paragraph 3 of
55 subdivision (b) and paragraph 3 of subdivision (c) of this section,
56 shall be in addition to and shall not be a part of an employee's basic

1 annual salary; provided, however, they shall be included as compensation for retirement purposes. For purposes of this section:

2 (i) no nonjudicial officer or employee shall receive a full or partial
3 increment or bonus hereunder unless he or she shall have received other
4 than an unsatisfactory performance rating for his or her services during
5 the year immediately preceding pursuant to a performance evaluation
6 system set forth in an agreement specified in section one of this act;

7 (ii) service in the employ of the unified court system shall mean
8 service in one or more courts or agencies of the unified court system,
9 whether as a judge or as a nonjudicial officer or employee. In order for
10 a nonjudicial officer or employee's years of service in the employ of
11 the unified court system to be "continuous," he or she must have served
12 the equivalent of 120 workdays in each of those years; and the number of
13 years required to qualify for a bonus hereunder must be served consec-
14 utively except that they may be interrupted by one or more breaks of not
15 more than one year each, attributable to a period of time between any
16 separation from his or her position in the employ of the unified court
17 system and resumption of service in such employ.

18 (b) Effective April 1, 2019:

19 (1) Each such nonjudicial officer and employee who is eligible to
20 receive a full or partial increment of the grade of his or her position
21 in accordance with provisions of the judiciary law shall receive such
22 full or partial increment, to be determined in accordance with the
23 April, 2018 salary schedule.

24 (2) Each such nonjudicial officer and employee shall be placed in his
25 or her grade on the April, 2019 salary schedule in the manner provided
26 as follows:

27 (i) If his or her basic annual salary under the April, 2018 salary
28 schedule, including any increase pursuant to paragraph 1 of this subdivi-
29 sion, is identical with the hiring, first year, second year, third
30 year, fourth year, fifth year, sixth year, maximum, longevity or extra-
31 longevity rate of compensation of the grade of his or her position, that
32 basic annual salary shall be increased to the corresponding rate of
33 compensation in such grade as established by the April, 2019 salary
34 schedule; or

35 (ii) If his or her basic annual salary under the April, 2018 salary
36 schedule, including any increase pursuant to paragraph 1 of this subdivi-
37 sion, is not identical with the hiring, first year, second year, third
38 year, fourth year, fifth year, sixth year, maximum, longevity or extra-
39 longevity rate of compensation of the grade of his or her position, that
40 basic annual salary shall be increased by an amount equaling 2 percent
41 thereof (and then rounded up to the nearest dollar).

42 Notwithstanding the foregoing, where operation of the provisions of
43 this paragraph would result in a nonjudicial officer or employee receiv-
44 ing an increase in basic annual salary of less than 1,000 dollars, such
45 nonjudicial officer or employee shall be placed in his or her grade on
46 the April, 2019 salary schedule at his or her basic annual salary,
47 including any increase pursuant to paragraph 1 of this subdivision, plus
48 1,000 dollars.

49 (3) Each such nonjudicial officer and employee in a title on such date
50 in the security series under the unified court system's classification
51 structure shall receive a payment equaling 500 dollars, if he or she:

52 (i) served the equivalent of 120 workdays in a title in such security
53 series during the preceding state fiscal year; and (ii) was authorized
54 to carry a firearm while on duty at any time during the preceding 15
55 months. Such payment shall be prorated for any such nonjudicial officer
56

1 or employee otherwise entitled thereto whose position is part-time, but
2 not compensated on a per diem or hourly basis.

3 (4) Each such nonjudicial officer and employee in the employ of the
4 unified court system having at least 20 years of continuous service in
5 the employ of the unified court system as of the preceding March 31
6 shall receive a bonus equaling: (i) 2,050 dollars, if he or she has less
7 than 25 years of such service as of such date; or (ii) 2,150 dollars, if
8 he or she has at least 25 but less than 30 years of such service as of
9 such date; or (iii) 2,250 dollars, if he or she has at least 30 years of
10 such service as of such date.

11 (c) Effective April 1, 2020:

12 (1) Each such nonjudicial officer and employee who is eligible to
13 receive a full or partial increment of the grade of his or her position
14 in accordance with provisions of the judiciary law shall receive such
15 full or partial increment, to be determined in accordance with the
16 April, 2019 salary schedule.

17 (2) Each such nonjudicial officer and employee shall be placed in his
18 or her grade on the April, 2020 salary schedule in the manner provided
19 as follows:

20 (i) If his or her basic annual salary under the April, 2019 salary
21 schedule, including any increase pursuant to paragraph 1 of this subdi-
22 vision, is identical with the hiring, first year, second year, third
23 year, fourth year, fifth year, sixth year, maximum, longevity or extra-
24 longevity rate of compensation of the grade of his or her position, that
25 basic annual salary shall be increased to the corresponding rate of
26 compensation in such grade as established by the April, 2020 salary
27 schedule; or

28 (ii) If his or her basic annual salary under the April, 2019 salary
29 schedule, including any increase pursuant to paragraph 1 of this subdi-
30 vision, is not identical with the hiring, first year, second year, third
31 year, fourth year, fifth year, sixth year, maximum, longevity or extra-
32 longevity rate of compensation of the grade of his or her position, that
33 basic annual salary shall be increased by an amount equaling 2 percent
34 thereof (and then rounded up to the nearest dollar);

35 Notwithstanding the foregoing, where operation of the provisions of
36 this paragraph would result in a nonjudicial officer or employee receiv-
37 ing an increase in basic annual salary of less than 1,000 dollars, such
38 nonjudicial officer or employee shall be placed in his or her grade on
39 the April, 2020 salary schedule at his or her basic annual salary,
40 including any increase pursuant to paragraph 1 of this subdivision, plus
41 1,000 dollars.

42 (3) Each such nonjudicial officer and employee in a title on such date
43 in the security series under the unified court system's classification
44 structure shall receive a payment equaling 750 dollars, if he or she:

45 (i) served the equivalent of 120 workdays in a title in such security
46 series during the preceding state fiscal year; and (ii) was authorized
47 to carry a firearm while on duty at any time during the preceding 15
48 months. Such payment shall be prorated for any such nonjudicial officer
49 or employee otherwise entitled thereto whose position is part-time, but
50 not compensated on a per diem or hourly basis.

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

1 such date; or (iii) 2,300 dollars, if he or she has at least 30 years of
2 such service as of such date.

3 § 4. Location pay. (a) Notwithstanding any other provision of law:

4 (1) Commencing April 1, 2019, any nonjudicial officer or employee to
5 whom the provisions of section three of this act apply shall receive
6 location pay as follows:

7 (i) at a rate of 4,200 dollars, if his or her principal place of
8 employment is in the city of New York; or

9 (ii) at a rate of 2,100 dollars, if his or her principal place of
10 employment is in Dutchess County, Putnam County or Orange County.

11 (2) commencing April 1, 2020, any nonjudicial officer or employee to
12 whom the provisions of section three of this act apply shall receive
13 location pay as follows:

14 (i) at a rate of 4,300 dollars, if his or her principal place of
15 employment is in the city of New York; or

16 (ii) at a rate of 2,150 dollars, if his or her principal place of
17 employment is in Dutchess County, Putnam County or Orange County.

18 (b) Effective April 1, 2019, the location pay provided in this section
19 shall be in lieu of any other location pay provided by law. Prior to
20 such date, the location pay for any nonjudicial officer or employee to
21 whom the provisions of section three of this act apply shall be as else-
22 where provided by law.

23 (c) Except as provided in subdivisions (a) and (b) of this section, no
24 nonjudicial officer or employee to whom the provisions of section three
25 of this act apply shall receive location pay. Any location pay author-
26 ized hereunder shall be in addition to and shall not be a part of an
27 employee's basic annual salary and shall not impair rights or benefits
28 to which an employee may be entitled by law; provided, however, that
29 location pay shall be included as compensation for purposes of computa-
30 tion of overtime pay and for retirement purposes. Location pay, as
31 provided in this section, shall be prorated for any nonjudicial officer
32 or employee to whom the provisions of section three of this act apply
33 and whose position is part-time, but not compensated on a per diem or
34 hourly basis.

35 § 5. (a) Application of this act to nonjudicial officers and employees
36 of the unified court system in other negotiating units. In the event
37 that, on or after the date on which this section shall become law, a
38 collective bargaining agreement is negotiated by the unified court
39 system pursuant to article fourteen of the civil service law with an
40 employee organization representing nonjudicial officers and employees of
41 the unified court system in a negotiating unit other than the state
42 negotiating unit, the chief administrator of the courts, with the agree-
43 ment of such employee organization, shall deliver to the comptroller a
44 certificate that such collective bargaining agreement is in effect where
45 the provisions of sections three and four of this act are provided for
46 therein.

47 (b) In the event that subdivision (a) of this section applies to a
48 nonjudicial officer or employee in a collective negotiating unit on
49 account of a collective bargaining agreement negotiated by the unified
50 court system with an employee organization representing nonjudicial
51 officers and employees in such unit, the following provisions shall
52 apply, as appropriate, notwithstanding any other provision of law:

53 (1) No nonjudicial officer or employee in such unit may receive a
54 bonus based upon years of continuous service pursuant to this section
55 where he or she, as of the date on which the collective bargaining
56 agreement specified herein takes effect, already has received such bonus

1 pursuant to law other than a provision of this act unless the amount of
2 the bonus that has been received is less than the amount of the bonus to
3 which such nonjudicial officer or employee would otherwise be entitled
4 pursuant to this section in which event such nonjudicial officer or
5 employee shall receive a bonus equaling the difference between the two
6 amounts.

7 (2) Any full or partial increment received by a nonjudicial officer or
8 employee in such unit on a date prior to the date on which the collec-
9 tive bargaining agreement specified herein takes effect, pursuant to law
10 other than a provision of this act, shall not be considered when deter-
11 mining, for purposes of this act:

12 (i) such nonjudicial officer or employee's basic annual salary on a
13 specified date; and

14 (ii) whether such nonjudicial officer or employee is eligible to
15 receive a full or partial increment of the grade of his or her position
16 on that date.

17 (3) Any location pay to which a nonjudicial officer or employee in
18 such unit shall be entitled during a fiscal year on account of this
19 section shall be in lieu of any other location pay provided by law;
20 except that, where a nonjudicial officer or employee eligible to receive
21 location pay during a fiscal year pursuant to the provisions of this
22 section has received location pay during such fiscal year, pursuant to
23 law other than a provision of this act, the amount of location pay
24 authorized by this section shall be reduced by the amount of the
25 location pay that was received.

26 § 6. Collective bargaining agreement required. The provisions of
27 sections three and four of this act shall not be implemented for nonju-
28 dicial officers and employees in a collective negotiating unit estab-
29 lished pursuant to article fourteen of the civil service law until the
30 chief administrator of the courts shall deliver to the comptroller a
31 certificate that there is in effect with respect to such negotiating
32 unit a written collective bargaining agreement with the state pursuant
33 to article fourteen of the civil service law which provides therefor;
34 and any increase in compensation, including increases in basic annual
35 salary, increments or partial increments, bonuses or other payments,
36 provided by sections three and four of this act or otherwise authorized
37 by law, shall not preclude any other increases in compensation for such
38 a nonjudicial officer or employee as may be authorized by law.

39 § 7. Date of entitlement to salary increase. Notwithstanding the
40 provisions of this act or any other law, each increase in salary or
41 compensation for nonjudicial officers or employees provided by this act
42 shall be added to the salary or compensation of such officer or employee
43 at the beginning of the payroll period the first day of which is nearest
44 to the effective date of such increase as provided in this act;
45 provided, however, for the purposes of determining the salary of such
46 officer or employee upon reclassification, reallocation, appointment,
47 promotion, transfer, demotion, reinstatement or other change of status,
48 such salary increase shall be deemed to be effective on the date thereof
49 as prescribed in this act, and the payment thereof pursuant to this
50 section on the date prior thereto instead of on such effective date,
51 shall not operate to confer any additional salary rights or benefits on
52 such officer or employee.

53 § 8. Deferred payment of salary increase. Notwithstanding the
54 provisions of this act or any other law, commencing April 1, 2017, and
55 pending payment pursuant to this act of the basic annual salaries of
56 incumbents of positions subject to this act commencing April 1, 2017,

1 such incumbents shall receive, as partial compensation for services
2 rendered, the rate of compensation otherwise payable in their respective
3 positions pursuant to law then in effect. An incumbent holding a posi-
4 tion subject to this act at any time during the period from April 1,
5 2017 until the time when basic annual salaries are first paid pursuant
6 to this act for such service in excess of the compensation actually
7 received therefor shall be entitled to a lump sum payment for the
8 difference between the salary to which such incumbent is entitled for
9 such service and the compensation actually received therefor. Such lump
10 sum payment shall be made as soon as practicable, except that such lump
11 sum payment shall not be made, nor shall any lump sum payment pursuant
12 to any other provision of law be made to any employee or former employee
13 serving in a position in a negotiating unit specified in section one of
14 this act between April 1, 2014 and April 1, 2017 on account of service
15 in such position, unless the legislature has appropriated forty-three
16 million dollars to the administrative office of the courts for the
17 express purpose of funding such lump sum payments, as provided in
18 section nine of this act or some other provision of law.

19 § 9. The sum of forty-three million dollars (\$43,000,000) is hereby
20 appropriated out of any moneys in the state treasury in the general fund
21 to the credit of the state purposes account, not otherwise appropriated,
22 and made immediately available to the administrative office of the
23 courts for payment pursuant to this act of the costs and expenses there-
24 under necessary during the 2017-18 state fiscal year, including lump sum
25 payments due employees pursuant to section eight of this act on account
26 of service during a state fiscal year prior to the 2017-18 fiscal year;
27 provided, however, where provisions of law require expenditures that
28 must be paid from appropriations from funds of the state other than the
29 general fund or that, by established administrative practice, are paid
30 from such funds, the chief administrator of the courts shall so certify
31 to the comptroller, and thereupon the appropriation provided in this
32 section shall be available for such expenditures.

33 § 10. This act shall take effect immediately and shall be deemed to
34 have been in full force and effect on and after April 1, 2017.