

STATE OF NEW YORK

7715

IN SENATE

February 12, 2018

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

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 a collec-
2 tive bargaining agreement has been negotiated by the unified court
3 system with an employee organization representing nonjudicial officers
4 and employees in the New York City court clerks negotiating unit. The
5 purpose of this act is to implement this agreement and any other collec-
6 tive bargaining agreement negotiated by the unified court system with an
7 employee organization where, pursuant to section three of this act, the
8 chief administrator of the courts has delivered a certificate to the
9 comptroller that such collective bargaining agreement is in effect.

10 § 2. Annual maintenance allowance. Each nonjudicial officer and
11 employee of the unit who is required by the unified court system to wear
12 an employer-approved blazer while performing the duties of his or her
13 position shall be entitled to receive an annual maintenance allowance in
14 an amount, as follows:

15 (a) for the fiscal year commencing April 1, 2018, \$925;

16 (b) for the fiscal year commencing April 1, 2019, \$1,000;

17 (c) for the fiscal year commencing April 1, 2020, \$1,200.

18 Annual maintenance allowances as provided in this section shall be in
19 addition to and shall not be a part of an employee's basic annual sala-
20 ry; provided, however, they shall be included as compensation for
21 retirement purposes.

22 § 3. Application of this act to nonjudicial officers and employees of
23 the unified court system in other negotiating units. In the event that a
24 collective bargaining agreement is negotiated by the unified court
25 system pursuant to article fourteen of the civil service law with an
26 employee organization representing nonjudicial officers and employees of
27 the unified court system in a negotiating unit other than the New York

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

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1 City court clerks negotiating unit, the chief administrator of the
2 courts, with the agreement of such employee organization, shall deliver
3 to the comptroller a certificate that such collective bargaining agree-
4 ment is in effect where the provisions of section two of this act are
5 provided for therein.

6 § 4. Collective bargaining agreement required. The provisions of
7 section two of this act shall not be implemented for nonjudicial offi-
8 cers and employees in a collective negotiating unit established pursuant
9 to article fourteen of the civil service law until the chief administra-
10 tor of the courts shall deliver to the comptroller a certificate that
11 there is in effect with respect to such negotiating unit a written
12 collective bargaining agreement with the state pursuant to article four-
13 teen of the civil service law which provides therefor; and any increase
14 in compensation provided by section two of this act or otherwise author-
15 ized by law, shall not preclude any other increases in compensation for
16 such a nonjudicial officer or employee as may be authorized by law.

17 § 5. Deferred payment of salary increase. Notwithstanding the
18 provisions of this act or any other law, commencing April 1, 2017, and
19 pending payment pursuant to law of the basic annual salaries of incum-
20 bents of positions subject to this act commencing April 1, 2017, such
21 incumbents shall receive, as partial compensation for services rendered,
22 the rate of compensation otherwise payable in their respective positions
23 pursuant to law then in effect. An incumbent holding a position subject
24 to this act at any time during the period from April 1, 2017 until the
25 time when basic annual salaries are first paid pursuant to this act for
26 such service in excess of the compensation actually received therefor
27 shall be entitled to a lump sum payment for the difference between the
28 salary to which such incumbent is entitled for such service and the
29 compensation actually received therefor. Such lump sum payment shall be
30 made as soon as practicable, except that such lump sum payment shall not
31 be made, nor shall any lump sum payment pursuant to any other provision
32 of law be made to any employee or former employee serving in a position
33 in the New York City court clerks negotiating unit between April 1, 2014
34 and April 1, 2017 on account of service in such position, unless the
35 legislature has appropriated twenty-eight million dollars to the admin-
36 istrative office of the courts for the express purpose of funding such
37 lump sum payments, as provided in section six of this act or some other
38 provision of law.

39 § 6. The sum of twenty-eight million dollars (\$28,000,000) is hereby
40 appropriated out of any moneys in the state treasury in the general fund
41 to the credit of the state purposes account, not otherwise appropriated,
42 and made immediately available to the administrative office of the
43 courts for payment pursuant to this act of the costs and expenses there-
44 under necessary during the 2017-18 state fiscal year, including lump sum
45 payments due employees pursuant to section five of this act on account
46 of service during a state fiscal year prior to the 2017-18 fiscal year;
47 provided, however, where provisions of law require expenditures that
48 must be paid from appropriations from funds of the state other than the
49 general fund or that, by established administrative practice, are paid
50 from such funds, the chief administrator of the courts shall so certify
51 to the comptroller, and thereupon the appropriation provided in this
52 section shall be available for such expenditures.

53 § 7. This act shall take effect immediately and shall be deemed to
54 have been in full force and effect on and after April 1, 2017.