

STATE OF NEW YORK

8189

2019-2020 Regular Sessions

IN ASSEMBLY

June 6, 2019

Introduced by M. of A. DINOWITZ -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 164 of the laws of 2017, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system and chapter 400 of the laws of 2014, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system, in relation to rates of pay on and after April 1, 2020; and to establish certain conditions relating to salary and compensation increases for 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. Section 1 of chapter 164 of the laws of 2017, relating to
2 terms and conditions of employment of certain nonjudicial officers and
3 employees of the unified court system, is amended to read as follows:

4 Section 1. Legislative findings. The legislature finds that a collec-
5 tive bargaining agreement has been negotiated by the unified court
6 system with an employee organization representing nonjudicial officers
7 and employees in the state judiciary negotiating unit. The purpose of
8 this act is to implement this agreement and to provide increases in
9 compensation for nonjudicial officers and employees of the unified court
10 system not in collective negotiating units. 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 of the
13 courts on May 28, 1979, as amended since that date. References to the
14 April, 2016 salary schedule shall mean the salary schedule promulgated
15 by the chief administrator of the courts pursuant to subdivision (c) of
16 section 2 of chapter 400 of the laws of 2014. References to the April,
17 2017 salary schedule, the April, 2018 salary schedule [~~and~~], the April,
18 2019 salary schedule and the April, 2020 salary schedule shall mean the

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

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1 salary schedules promulgated by the chief administrator pursuant to
2 subdivisions (a), (b) [~~and~~], (c) and (d) of section two of this act,
3 respectively.

4 § 2. Section 2 of chapter 164 of the laws of 2017, relating to terms
5 and conditions of employment of certain nonjudicial officers and employ-
6 ees of the unified court system, is amended by adding a new subdivision
7 (d) to read as follows:

8 (d) Effective April 1, 2020, each of the rates of pay established by
9 the April, 2019 salary schedule shall be increased as follows:

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

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

17 (3) the hiring, first, second, third, fourth, fifth and sixth year
18 rates of compensation for each grade shall equal the maximum rate for
19 such grade, as increased by paragraph (1) of this subdivision, minus 7,
20 6, 5, 4, 3, 2 and 1 times the amount of the increment for such grade, as
21 increased by paragraph (2) of this subdivision, respectively.

22 § 3. The opening paragraph of subdivision (a) of section 3 of chapter
23 164 of the laws of 2017, relating to terms and conditions of employment
24 of certain nonjudicial officers and employees of the unified court
25 system, is amended to read as follows:

26 Each nonjudicial officer and employee of the unified court system in a
27 position allocated to a salary grade in the unified court system's clas-
28 sification structure that is in the state judiciary negotiating unit or
29 that is not in any collective negotiating unit established pursuant to
30 article 14 of the civil service law, shall receive increased compen-
31 sation in accordance with this section. Longevity payments and increases
32 to basic annual salary, as provided in this section, shall be prorated
33 for any nonjudicial officer or employee whose position is part-time, or
34 who otherwise works part-time, and who is eligible, under the rules of
35 the chief judge of the state or an agreement between the state and an
36 employee organization pursuant to the provisions of article 14 of the
37 civil service law, to accrue annual and sick leave credits. Longevity
38 payments as provided in this section, and payments pursuant to paragraph
39 (3) of subdivision (d) of this section and paragraph (3) of subdivision
40 (d-1) of this section, shall be in addition to and shall not be a part
41 of an employee's basic annual salary; provided, however, they shall be
42 included as compensation for retirement purposes. For purposes of this
43 section:

44 § 4. Subdivision (d) of section 3 of chapter 164 of the laws of 2017,
45 relating to terms and conditions of employment of certain nonjudicial
46 officers and employees of the unified court system, is amended by adding
47 a new paragraph 3 to read as follows:

48 (3) Each such nonjudicial officer and employee in a title on such
49 date in the security series under the unified court system's classifica-
50 tion structure shall receive a payment equaling 500 dollars, if he or
51 she: (i) served the equivalent of 120 workdays in a title in such secu-
52 rity series during the preceding state fiscal year; and (ii) was author-
53 ized to carry a firearm while on duty at any time during the preceding
54 15 months. Such payment shall be prorated for any such nonjudicial offi-
55 cer or employee otherwise entitled thereto whose position is part-time,
56 but not compensated on a per diem or hourly basis.

§ 5. Section 3 of chapter 164 of the laws of 2017, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system, is amended by adding a new subdivision (d-1) to read as follows:

(d-1) Effective April 1, 2020:

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

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

(i) If his or her basic annual salary under the April, 2019 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year or maximum rate of compensation of the grade of his or her position, that basic annual salary shall be increased to the corresponding rate of compensation in such grade as established by the April, 2020 salary schedule; or

(ii) If his or her basic annual salary under the April, 2019 salary schedule, including any increase pursuant to paragraph (1) of this subdivision, is not identical with the hiring, first year, second year, third year, fourth year, fifth year, sixth year or maximum rate of compensation of the grade of his or her position, that basic annual salary shall be increased by an amount equaling 2 percent thereof (and then rounded up to the nearest dollar).

(3) Each such nonjudicial officer and employee in a title on such date in the security series under the unified court system's classification structure shall receive a payment equaling 750 dollars, if he or she: (i) served the equivalent of 120 workdays in a title in such security series during the preceding state fiscal year; and (ii) was authorized to carry a firearm while on duty at any time during the preceding 15 months. Such payment shall be prorated for any such nonjudicial officer or employee otherwise entitled thereto whose position is part-time, but not compensated on a per diem or hourly basis.

§ 6. Section 4 of chapter 164 of the laws of 2017, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system, is amended by adding a new subdivision (e) to read as follows:

(e) Effective April 1, 2020, the basic annual salary of each such nonjudicial officer and employee shall be increased by an amount equal to 2 percent thereof (and then rounded up to the nearest dollar).

§ 7. Subdivision (i) of section 3 of chapter 400 of the laws of 2014, relating to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system, is amended to read as follows:

(i) Effective April 1, 2016 and each April 1 thereafter, each such nonjudicial officer and employee in the employ of the unified court system who has completed at least 4 years of continuous service at a basic annual salary rate equal to or higher than the maximum rate of the employee's salary grade as of the preceding March 31 shall receive an annual longevity payment equaling: (i) 2,250 dollars, if he or she has completed less than 8 years of such service as of such date, or 2,300 dollars, if such date is March 31, 2020 or later; or (ii) 4,600 dollars, if he or she has completed at least 8 but less than 13 years of such

1 service as of such date, or 4,700 dollars, if such date is March 31,
2 2020 or later; or (iii) 6,900 dollars, if he or she has completed at
3 least 13 years of such service as of such date.

4 § 8. Subparagraph (iii) of paragraph 1 of subdivision (a) of section 5
5 of chapter 164 of the laws of 2017, relating to terms and conditions of
6 employment of certain nonjudicial officers and employees of the unified
7 court system, is amended to read as follows:

8 (iii) 4,200 dollars annually, during the fiscal year commencing April
9 1, 2019 and 4,300 dollars during each fiscal year commencing ~~[each]~~ on
10 or after April 1 ~~[thereafter]~~, 2020.

11 § 9. Subparagraph (iii) of paragraph 2 of subdivision (a) of section 5
12 of chapter 164 of the laws of 2017, relating to terms and conditions of
13 employment of certain nonjudicial officers and employees of the unified
14 court system, is amended to read as follows:

15 (iii) 2,100 dollars annually, during the fiscal year commencing April
16 1, 2019 and 2,150 dollars during each fiscal year commencing ~~[each]~~ on
17 or after April 1 ~~[thereafter]~~, 2020.

18 § 10. Collective bargaining agreement required. The provisions of
19 sections three, four, five, six, seven, eight and nine of this act shall
20 not be implemented for nonjudicial officers and employees in a collec-
21 tive negotiating unit established pursuant to article 14 of the civil
22 service law until the chief administrator of the courts shall have noti-
23 fied the comptroller that the members of such negotiating unit have
24 ratified a written collective bargaining agreement with the state pursu-
25 ant to article 14 of the civil service law which provides therefor and
26 delivered to the comptroller a copy of such agreement; and any increase
27 in compensation, including increases in basic annual salary, increments
28 or partial increments, lump sum payments, or longevity payments,
29 provided by sections three, four, five, six, seven, eight and nine of
30 this act or otherwise authorized by law:

31 (a) may be withheld in whole or in part from any nonjudicial officer
32 and employee not in a collective negotiating unit when in the opinion of
33 the chief administrator, such increase is not warranted or is not appro-
34 priate; and

35 (b) shall not preclude any other increases in compensation for such a
36 nonjudicial officer or employee as may be authorized by law.

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

51 § 12. Deferred payment of salary increase. Notwithstanding the
52 provisions of this act or any other law, commencing April 1, 2020, and
53 pending payment pursuant to this act of the basic annual salaries of
54 incumbents of positions subject to this act commencing April 1, 2020,
55 such incumbents shall receive, as partial compensation for services
56 rendered, the rate of compensation otherwise payable in their respective

1 positions pursuant to law then in effect. An incumbent holding a posi-
2 tion subject to this act at any time during the period from April 1,
3 2020 until the time when basic annual salaries are first paid pursuant
4 to this act for such service in excess of the compensation actually
5 received therefor shall be entitled to a lump sum payment for the
6 difference between the salary to which such incumbent is entitled for
7 such service and the compensation actually received therefor. Such lump
8 sum payment shall be made as soon as practicable.
9 § 13. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after April 1, 2019.