STATE OF NEW YORK

5052

2019-2020 Regular Sessions

IN SENATE

April 4, 2019

Introduced by Sen. THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to salary adjustments according to plan and step-ups or increments

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

Section 1. Paragraph (a) of subdivision 3 of section 3669 of the public authorities law, as amended by chapter 355 of the laws of 2018, is amended to read as follows:

(a) During a control period, upon a finding by the authority that a wage freeze is essential to the adoption or maintenance of a county budget or a financial plan that is in compliance with this title, the authority, after enactment of a resolution so finding, may declare a fiscal crisis. Upon making such a declaration, the authority shall be empowered to order that all increases in salary or wages of employees of the county and employees of covered organizations which will take effect after the date of the order pursuant to collective bargaining agreements, other analogous contracts or interest arbitration awards, now in existence or hereafter entered into, requiring such salary increases as of any date thereafter are suspended. Such order may also provide that all increased payments for holiday and vacation differentials, and shift differentials for employees of the county and employees of covered organizations which will take effect after the date of the order pursuant to collective bargaining agreements, other analogous contracts or interest arbitration awards requiring such increased payments as of any date thereafter are, in the same manner, suspended. Such order may also provide that all increased payments for salary adjustments according to plan and step-ups or increments be suspended; provided, however, when (i) the county executive provides a four year financial plan approved by the county legislature pursuant to paragraph (a) of subdivision two of section thirty-six hundred sixty-seven of this title and the authority

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

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determines, pursuant to paragraph (b) of such subdivision, that such financial plan is complete and complies with the standards set forth in such subdivision, and (ii) the authority makes a certification to the county setting forth revenue estimates agreed to by the authority in accordance with such determination, the salary adjustments according to plan and step-ups or increments, not including cost of living increases, shall not be suspended for each year in which the four year financial plan has been certified. This [~~section~~] **inability to suspend the salary adjustments according to plan and step-ups or increments** shall be applicable to county employees and employees of covered organizations, whether or not they are covered by a collectively negotiated agreement, if an individual employee or members of an employee's bargaining unit previously participated in a wage freeze implemented by the authority under this section and such wage freeze was subsequently lifted by the authority by the issuance of a resolution, pursuant to paragraph (b) **or (c)** of **this** subdivision [~~three of section thirty-six hundred sixty-nine of this title~~], certifying that the suspension of their wage increases or an agreement by the collective bargaining representative or by such unrepresented employee was an acceptable and appropriate contribution toward alleviating the fiscal crisis of the county. **Irrespective of the duration of any approved or accepted four-year financial plan, for employees who are members of a bargaining unit, this inability to suspend the salary adjustment according to plan and step-ups or increments shall take effect October first, two thousand sixteen and shall be in effect for employees for the duration of the next collective bargaining agreement succeeding either (i) the collective bargaining agreement in effect on November sixth, two thousand eighteen or (ii) the most recently expired collective bargaining agreement prior to November sixth, two thousand eighteen; whichever is later. If the succeeding collective bargaining agreement's duration is modified, extended, or renewed, this modification, extension or renewal does not modify, extend or renew the term of the inability to suspend salary adjustments according to plan and step-ups or increments. For employees who are not members of a bargaining unit, this inability to suspend the salary adjustment according to plan and step-ups or increments shall be effective October first, two thousand sixteen through December first, two thousand twenty-one.** For the purposes of computing the pension base of retirement allowances, any suspended salary or wage increases and any suspended other payments shall not be considered as part of compensation or final compensation or of annual salary earned or earnable. The suspensions authorized hereunder shall continue until one year after the date of the order and, to the extent of any determination of the authority that a continuation of such suspensions, to a date specified by the authority, is necessary in order to achieve the objectives of the financial plan, such suspensions shall be continued to the date specified by the authority, which date shall in no event be later than the end of the interim finance period, provided that such suspensions shall terminate with respect to employees who have agreed to a deferral of salary or wage increase upon the certification of the agreement by the authority pursuant to paragraph (b) of this subdivision.

§ 2. This act shall take effect on the same date and in the same manner as chapter 355 of the laws of 2018, takes effect.