

# STATE OF NEW YORK

3634

2019-2020 Regular Sessions

## IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the legislative law, in relation to certain benefits provided pursuant to collective bargaining agreements

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

1 Section 1. Subdivision 1 of section 167 of the civil service law, as  
2 amended by chapter 582 of the laws of 1988, paragraph (a) as amended by  
3 section 7 of part T of chapter 56 of the laws of 2010 and paragraph (b)  
4 as amended by chapter 317 of the laws of 1995, is amended to read as  
5 follows:  
6 1. (a) The full cost of premium or subscription charges for the  
7 coverage of retired state employees who are enrolled in the statewide  
8 and the supplementary health benefit plans established pursuant to this  
9 article and who retired prior to January first, nineteen hundred eight-  
10 y-three shall be paid by the state. Nine-tenths of the cost of premium  
11 or subscription charges for the coverage of state employees and retired  
12 state employees retiring on or after January first, nineteen hundred  
13 eighty-three and prior to October first, two thousand eleven who are  
14 enrolled in the statewide and supplementary health benefit plans shall  
15 be paid by the state. Three-quarters of the cost of premium or  
16 subscription charges for the coverage of dependents of such state  
17 employees and retired state employees shall be paid by the state.  
18 Except as provided in paragraph (b) of this subdivision, the state shall  
19 contribute toward the premium or subscription charges for the coverage  
20 of each state employee or retired state employee who is enrolled in an  
21 optional benefit plan and for the dependents of such state employee or  
22 retired state employee the same dollar amount which would be paid by the  
23 state for the premium or subscription charges for the coverage of such  
24 state employee or retired state employee and his or her dependents if he  
25 or she were enrolled in the statewide and the supplementary health bene-  
26 fit plans, but not in excess of the premium or subscription charges for

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

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1 the coverage of such state employee or retired state employee and his or  
2 her dependents under such optional benefit plan. For purposes of this  
3 subdivision, employees of the state colleges of agriculture, home  
4 economics, industrial labor relations, and veterinary medicine, the  
5 state agricultural experiment station at Geneva, and any other institu-  
6 tion or agency under the management and control of Cornell university as  
7 the representative of the board of trustees of the state university of  
8 New York, and employees of the state college of ceramics under the  
9 management and control of Alfred university as the representative of the  
10 board of trustees of the state university of New York, shall be deemed  
11 to be state employees whose salaries or compensation are paid directly  
12 by the state.

13 (b) Effective January first, nineteen hundred eighty-nine, notwith-  
14 standing any other law, rule or regulation, and where, and to the extent  
15 that, an agreement between the state and an employee organization  
16 entered into pursuant to article fourteen of this chapter so provides or  
17 where and to the extent the employee health insurance council so directs  
18 with respect to any other state employees and for retired state employ-  
19 ees retiring on or after January first, nineteen hundred eighty-three  
20 and prior to October first, two thousand eleven, the state shall  
21 contribute nine-tenths of the cost of premiums or subscription charges  
22 for coverage of each such state employee or retired state employee who  
23 is enrolled in an optional benefit plan and three-fourths of such premi-  
24 um or subscription charges for dependents of such state employees or  
25 retired state employees enrolled in such optional benefit plan;  
26 provided, however, effective January first, nineteen hundred ninety-six,  
27 the contribution rates for the hospitalization and medical components of  
28 each optional benefit plan shall not exceed one hundred percent of the  
29 dollar amount of the state's contribution toward the hospitalization and  
30 medical components of individual and dependent coverage, respectively,  
31 in the Empire Plan. In the case of state employees retiring prior to  
32 January first, nineteen hundred eighty-three, the state shall contribute  
33 one hundred percent of the individual premium and three-fourths of such  
34 premium for dependents of such retired employees enrolled in such  
35 optional benefit plan; however, these contribution rates shall not  
36 exceed one hundred percent of the employer dollar amount contribution  
37 for individual and dependent coverage respectively in the Empire Plan.

38 (c) Effective October first, two thousand eleven, notwithstanding any  
39 other law, rule or regulation, and where, and to the extent that, an  
40 agreement between the state and an employee organization entered into  
41 pursuant to article fourteen of this chapter so provides, the state's  
42 contribution for cost of premium or subscription charges for the cover-  
43 age of state employees and retired state employees enrolled in the  
44 statewide and the supplementary health benefit plans established pursu-  
45 ant to this article or an optional benefit plan shall be:

46 (i) For state employees employed in a title allocated or equated to  
47 salary grade nine or below, the state shall contribute eighty-eight  
48 percent of the cost or premium subscription charges for such employees  
49 enrolled in the statewide and the supplementary health benefit plans  
50 established pursuant to this article for an optional benefit plan and  
51 seventy-three percent of the cost or premium subscription charges for  
52 dependents of such state employees enrolled in the statewide and the  
53 supplementary health benefit plans established pursuant to this article  
54 or an optional benefit plan; provided, however, that the contribution  
55 rates for the hospitalization, medical, and mental health and substance  
56 abuse components of each optional benefit plan shall not exceed one

1 hundred percent of the dollar amount of the state's contribution toward  
2 the hospitalization, medical, and mental health and substance abuse  
3 components of individual and dependent coverage, respectively, in the  
4 Empire Plan.

5 (ii) For state employees employed in a title allocated or equated to  
6 salary grade ten or above, the state shall contribute eighty-four  
7 percent of the cost or premium subscription charges for such employees  
8 enrolled in the statewide and the supplementary health benefit plans  
9 established pursuant to this article or an optional benefit plan and  
10 sixty-nine percent of the cost or premium subscription charges for  
11 dependents of such state employees enrolled in the statewide and the  
12 supplementary health benefit plans established pursuant to this article  
13 or an optional benefit plan; provided, however, that the contribution  
14 rates for the hospitalization, medical, and mental health and substance  
15 abuse components of each optional benefit plan shall not exceed one  
16 hundred percent of the dollar amount of the state's contribution toward  
17 the hospitalization, medical, and mental health and substance abuse  
18 components of individual and dependent coverage, respectively, in the  
19 Empire Plan.

20 (iii) For retired state employees retiring on or after October first,  
21 two thousand eleven and before January first, two thousand twelve, the  
22 state shall contribute eighty-eight percent of the cost or premium  
23 subscription charges for such employees enrolled in the statewide and  
24 the supplementary health benefit plans established pursuant to this  
25 article or an optional benefit plan and seventy-three percent of the  
26 cost or premium subscription charges for dependents of such state  
27 employees enrolled in the statewide and the supplementary health benefit  
28 plans established pursuant to this article or an optional benefit plan;  
29 provided, however, that the contribution rates for the hospitalization,  
30 medical, and mental health and substance abuse components of each  
31 optional benefit plan shall not exceed one hundred percent of the dollar  
32 amount of the state's contribution toward the hospitalization, medical,  
33 and mental health and substance abuse components of individual and  
34 dependent coverage, respectively, in the Empire Plan.

35 (iv) For retired state employees retiring on or after January first,  
36 two thousand twelve from a title allocated or equated to salary grade  
37 nine or below, the state shall contribute eighty-eight percent of the  
38 cost or premium subscription charges for such employees enrolled in the  
39 statewide and the supplementary health benefit plans established pursu-  
40 ant to this article or an optional benefit plan and seventy-three  
41 percent of the cost or premium subscription charges for dependents of  
42 such state employees enrolled in the statewide and the supplementary  
43 health benefit plans established pursuant to this article or an optional  
44 benefit plan; provided, however, that the contribution rates for the  
45 hospitalization, medical, and mental health and substance abuse compo-  
46 ponents of each optional benefit plan shall not exceed one hundred percent  
47 of the dollar amount of the state's contribution toward the hospitaliza-  
48 tion, medical, and mental health and substance abuse components of indi-  
49 vidual and dependent coverage, respectively, in the Empire Plan.

50 (v) For retired state employees retiring on or after January first,  
51 two thousand twelve from a title allocated or equated to salary grade  
52 ten or above, the state shall contribute eighty-four percent of the cost  
53 or premium subscription charges for such employees enrolled in the  
54 statewide and the supplementary health benefit plans established pursu-  
55 ant to this article or an optional benefit plan and sixty-nine percent  
56 of the cost or premium subscription charges for dependents of such state

1 employees enrolled in the statewide and the supplementary health benefit  
 2 plans established pursuant to this article or an optional benefit plan;  
 3 provided, however, that the contribution rates for the hospitalization,  
 4 medical, and mental health and substance abuse components of each  
 5 optional benefit plan shall not exceed one hundred percent of the dollar  
 6 amount of the state's contribution toward the hospitalization, medical,  
 7 and mental health and substance abuse components of individual and  
 8 dependent coverage, respectively, in the Empire Plan.

9 (d) Notwithstanding any other law, rule or regulation, for the premium  
 10 or subscription charges for the coverage of retired state employees  
 11 retiring on and after October first, two thousand eleven enrolled in the  
 12 statewide and the supplementary health benefit plans or an optional  
 13 benefit plan established pursuant to this article the state's contrib-  
 14 ution rate for individual and dependent coverage shall equal the  
 15 contribution rate in effect on the date that the state employee retired;  
 16 if, however, such retired state employee's service terminated prior to  
 17 retirement and such retired state employee was entitled to a vested  
 18 retirement allowance pursuant to the retirement and social security law  
 19 on the date his or her service terminated and such retired state employ-  
 20 ee maintained his or her enrollment in the statewide and the supplemen-  
 21 tary health benefit plans or an optional benefit plan established pursu-  
 22 ant to this article the state's contribution rate for individual and  
 23 dependent coverage shall equal the contribution rate in effect on the  
 24 date that such retired state employee's service terminated; provided,  
 25 however, that the contribution rates for the hospitalization, medical,  
 26 and mental health and substance abuse components of each optional bene-  
 27 fit plan shall not exceed one hundred percent of the dollar amount of  
 28 the state's contribution toward the hospitalization, medical, and mental  
 29 health and substance abuse components of individual and dependent cover-  
 30 age, respectively, in the Empire Plan.

31 § 2. Subdivision 8 of section 167 of the civil service law, as amended  
 32 by section 2 of part A of chapter 491 of the laws of 2011, is amended to  
 33 read as follows:

34 8. Notwithstanding any inconsistent provision of law, where and to the  
 35 extent that an agreement between the state and an employee organization  
 36 entered into pursuant to article fourteen of this chapter so provides,  
 37 the state cost of premium or subscription charges for eligible employees  
 38 covered by such agreement may be modified pursuant to the terms of such  
 39 agreement. The president, with the approval of the director of the budg-  
 40 et, may extend the modified state cost of premium or subscription charg-  
 41 es for **state** employees [~~or retirees~~] not subject to an agreement refer-  
 42 enced above and shall promulgate the necessary rules or regulations to  
 43 implement this provision.

44 § 3. The legislative law is amended by adding a new section 49 to read  
 45 as follows:

46 § 49. Legislation implementing collective bargaining agreements.  
 47 Legislation which enacts or amends any provision of law for the purpose  
 48 of implementing an agreement between the state and an employee organiza-  
 49 tion entered into pursuant to article fourteen of the civil service law  
 50 shall be limited to the provisions necessary to implement such agree-  
 51 ment.

52 § 4. This act shall take effect immediately provided that sections one  
 53 and two of this act shall be deemed to have been in effect on October 1,  
 54 2011. No premiums paid by retired state employees in excess of those  
 55 consistent with the provisions of this act shall be refunded to such  
 56 retired state employees.