

STATE OF NEW YORK

3793

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. McDONOUGH, BLANKENBUSH, RA, GALEF, LAWRENCE, CROUCH, RAIA, MORINELLO, BRABENEC -- Multi-Sponsored by -- M. of A. BARCLAY -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the salary cap for BOCES superintendents

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

1 Section 1. Subparagraph 2 of paragraph a of subdivision 4 of section
2 1950 of the education law, as amended by chapter 698 of the laws of
3 2003, is amended to read as follows:

4 (2) Notwithstanding any inconsistent provision of law in no event
5 shall the total salary including amounts paid pursuant to section twenty-two
6 hundred nine of this [~~chapter~~] title for district superintendents
7 [~~for each school year through the two thousand two two thousand three~~
8 ~~school year exceed ninety-eight percent of that earned by the commis-~~
9 ~~sioner for state fiscal year nineteen hundred ninety-two--ninety-three,~~
10 ~~and in no event shall such total salary for a district superintendent]~~
11 for the two thousand [~~three~~] nineteen--two thousand [~~four~~] twenty school
12 year or any subsequent school year exceed: (i) one hundred six percent
13 of the salary cap applicable in the preceding school year, or (ii) ninety-
14 ty-eight percent of that earned by the commissioner in the two thousand
15 [~~three~~] nineteen--two thousand [~~four~~] twenty state fiscal year[~~, which~~
16 ~~ever is less~~]. In no event shall any district superintendent be permit-
17 ted to accumulate vacation or sick leave credits in excess of the vaca-
18 tion and sick leave credits managerial/confidential employees of the
19 state are permitted to accumulate pursuant to regulations promulgated by
20 the state civil service commission, nor may any district superintendent
21 at the time of separation from service be compensated for accrued and
22 unused vacation credits or sick leave, or use accrued and unused sick
23 leave for retirement service credit or to pay for health insurance in
24 retirement, at a rate in excess of the rate permitted to

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

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1 managerial/confidential employees of the state pursuant to regulations
2 of the state civil service commission. In addition to the payment of
3 supplementary salary, a board of cooperative educational services may
4 provide for the payment of all or a portion of the cost of insurance
5 benefits for the district superintendent of schools, including but not
6 limited to health insurance, disability insurance, life insurance or any
7 other form of insurance benefit made available to
8 managerial/confidential employees of the state; provided that any such
9 payments for whole life, split dollar or other life insurance policies
10 having a cash value shall be included in the total salary of the
11 district superintendent for purposes of this subparagraph, and provided
12 further that any payments for the employee contribution, co-pay or
13 uncovered medical expenses under a health insurance plan also shall be
14 included in the total salary of the district superintendent. Notwith-
15 standing any other provision of law, payments for such insurance bene-
16 fits may be based on the district superintendent's total salary or the
17 amount of his or her supplementary salary only. Any payments for trans-
18 portation or travel expenses in excess of actual, documented expenses
19 incurred in the performance of duties for the board of cooperative
20 educational services or the state, and any other lump sum payment not
21 specifically excluded from total salary pursuant to this subparagraph,
22 shall be included in the total salary of the district superintendent for
23 purposes of this subparagraph. Nothing herein shall prohibit a district
24 superintendent from waiving any rights provided for in an existing
25 contract or agreement as hereafter prohibited in favor of revised
26 compensation or benefit provisions as permitted herein. In no event
27 shall the terms of the district superintendent's contract, including any
28 provisions relating to an increase in salary, compensation or other
29 benefits, be contingent upon the terms of any contract or collective
30 bargaining agreement between the board of cooperative educational
31 services and its teachers or other employees. The commissioner may adopt
32 regulations for the purpose of implementing the provisions of this para-
33 graph.

34 § 2. This act shall take effect immediately.