STATE OF NEW YORK

7618

2019-2020 Regular Sessions

IN ASSEMBLY

May 14, 2019

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

AN ACT to amend the civil service law, in relation to geographic pay differentials for state employees

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

Section 1. Subdivision 7 of section 130 of the civil service law, as amended by chapter 74 of the laws of 2000, is amended to read as follows:

7. Geographic pay differentials. [~~Whenever the director finds that under community wage practices in private or other public employment in one or more areas or locations, wage rates of employees in a given occupation are substantially higher than the wage rates paid by the state, he may, subject to the approval of the director of the budget, authorize a pay differential to be added as an adjustment to the hiring rate, the job rate and the longevity steps of the salary grade or grades for the same or related occupations in the state service in such areas or locations. A pay differential under this subdivision shall be a percentage or a fixed dollar amount as prescribed in each case by the director of the classification and compensation division subject to approval of the director of the budget. Such differentials shall be paid to employees whose basic annual salary is at or below the unadjusted job rate of the salary grade or at or below the unadjusted longevity step of the salary grade to which the employees are entitled based on the criteria specified in subdivision three of this section. Those employees whose basic annual salary is above the unadjusted job rate for the salary grade and who are not entitled to be paid at a longevity step shall receive a portion of the differential sufficient to increase their salary to the adjusted job rate. Those employees whose basic annual salary is above the unadjusted longevity step to which they are entitled shall receive a portion of the differential sufficient to increase their sala-~~

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

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~~ry to such longevity step as adjusted by the differential. Such differentials shall be in addition to and shall not be part of an employee's basic annual salary, and shall not affect or impair any performance advancement payments, performance awards, longevity payments or other rights or benefits to which an employee may be entitled under the provisions of this chapter, provided, however, that any differential payable pursuant to this subdivision shall be included as compensation for retirement purposes. A pay differential shall be terminated for any employee when he ceases to be employed in the position, or area or location for which such pay differential was authorized. A pay differential shall remain in effect until terminated by the director of the classification and compensation division, with the consent of the director of the budget or until a new pay differential is authorized pursuant to this subdivision. The director of the budget may adopt such regulations as he may deem necessary to carry out the provisions of this subdivision. Employees who on April first, nineteen hundred seventy-nine are receiving additional compensation as a result of a previous determination to authorize a geographic area pay differential shall continue to receive such additional compensation while employed in the position for which such differential was authorized.~~] **By April first of each year, the director shall implement geographic pay differentials identical to the locality pay adjustments of the federal government which take effect on or about January first of that year.**

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.