

# STATE OF NEW YORK

4292

2019-2020 Regular Sessions

## IN SENATE

March 6, 2019

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to setting limits on severance packages for public at-will employees

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

1 Section 1. This act shall be known and may be cited as the "severance  
2 pay limitation act".

3 § 2. The public authorities law is amended by adding a new section  
4 2854 to read as follows:

5 § 2854. Severance packages. 1. For the purposes of this section:

6 (a) "at-will employee" shall mean an employee of any entity organized  
7 under this chapter. Any employee that is covered by a collective  
8 bargaining agreement or union contract shall not be considered an  
9 at-will employee for the purpose of this section.

10 (b) "severance pay for an at-will employee" shall include benefits or  
11 compensation with a quantifiable monetary value that are provided for an  
12 at-will employee upon termination of employment and shall not be consid-  
13 ered part of the at-will employee's annual wages and benefits. "Sever-  
14 ance pay for an at-will employee" shall not include payments for accumu-  
15 lated vacation, accumulated sick leave, and accumulated sick leave  
16 liquidated to cover the cost of group term insurance or payments of  
17 periodic contributions by an employer toward premiums for group insur-  
18 ance policies.

19 2. Notwithstanding any other law, rule or regulation to the contrary,  
20 severance pay provided for an at-will employee leaving employment shall  
21 not exceed an amount equivalent to their prior three months' salary.

22 3. Notwithstanding any other law, rule or regulation to the contrary,  
23 the severance pay for an at-will employee shall be excluded from retire-  
24 ment deductions and from any calculations of retirement benefits.

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

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1 4. If a retired or terminated at-will employee dies before all of  
2 their severance pay has been disbursed, the balance due must be paid to  
3 a named beneficiary or, lacking one, to the decedent's estate.

4 5. No collective bargaining agreement or union contract shall be  
5 altered by the provisions of this section.

6 § 3. This act shall take effect immediately.