

# STATE OF NEW YORK

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6133

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

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Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to the limitation of overtime compensation in final average salary calculations

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

1 Section 1. Section 1203 of the retirement and social security law, as  
2 added by section 1 of part A of chapter 504 of the laws of 2009, is  
3 amended to read as follows:

4 § 1203. Overtime. A member's final average salary shall be calculated  
5 in accordance with such provisions of article eight or article eleven of  
6 this chapter as govern the member's benefits including overtime, except  
7 that earnings classified as overtime compensation in an amount in excess  
8 of [~~fifteen~~ thirty] percent of a member's annual wages not classified as  
9 overtime compensation shall be excluded from such calculation. "Overtime  
10 compensation" shall mean, for purposes of this section, compensation  
11 paid under any law or policy under which employees are paid at a rate  
12 greater than their standard rate for additional hours worked beyond  
13 those required, including compensation paid under section one hundred  
14 thirty-four of the civil service law and section ninety of the general  
15 municipal law.

16 § 2. This act shall take effect immediately.

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

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