

# STATE OF NEW YORK

1406--A

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. REYES, LAVINE, TAYLOR, AUBRY, CRUZ, NIOU -- read once and referred to the Committee on Governmental Employees -- recommended to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to the compensation paid to persons employed in positions requiring foreign language skills and directing the department of civil service to conduct a study on certain job titles that require proficiency in a language other than English

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

1 Section 1. Section 130 of the civil service law is amended by adding a  
2 new subdivision 15 to read as follows:

3 15. Whenever the director finds that under prevailing wage practices  
4 in private or other public employment in the state, employees in a given  
5 occupation who are required to be proficient in a language other than  
6 English receive a higher rate of pay than employees in the same occupa-  
7 tion who are not required to be proficient in a language other than  
8 English, the director may, subject to the approval of the director of  
9 the budget, establish a pay differential for titles that require profi-  
10 ciency in a language other than English. Such differential shall be in  
11 addition to an employee's basic salary and shall not affect, impair or  
12 impede any performance advance payments, performance awards, longevity  
13 payments or other rights or benefits to which an employee may be enti-  
14 tled under the provisions of this chapter, provided, however, that any  
15 differential payable pursuant to this subdivision shall be included as  
16 compensation for retirement purposes. A pay differential shall be termi-  
17 nated for any employee when the employee ceases to be employed in the  
18 position for which such pay differential was authorized. A pay differen-  
19 tial shall remain in effect until terminated by the director of the

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

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1 classification and compensation division with the consent of the direc-  
2 tor of the budget or until a new pay differential is authorized pursuant  
3 to this subdivision. The director shall be authorized to determine how  
4 such differential shall be paid, subject to the approval of the director  
5 of the budget. The director of the budget may adopt such regulations as  
6 he or she may deem necessary to carry out the provisions of this subdi-  
7 vision.

8 § 2. The department of civil service is hereby directed to conduct a  
9 study and publish a report on titles in the state service that require  
10 proficiency in a language other than English. The study and report shall  
11 include, but not be limited to:

12 1. the number of employees in titles that require proficiency in a  
13 language other than English and the appointment type held by such  
14 employees;

15 2. the jurisdictional classification of such titles;

16 3. the salary grades and allocations of such titles;

17 4. a determination of whether the current salary allocations for each  
18 title adequately reflect the title's responsibilities and duties;

19 5. whether any changes should be made to the current descriptions of  
20 such titles to reflect more accurately the actual duties of such titles;

21 6. the gender and race/ethnicity identification of the employees in  
22 such titles;

23 7. a list of state offices and/or departments with employees in such  
24 titles and the location of such titles;

25 8. the number of times that examinations are held for appointment or  
26 promotion into titles that require proficiency in a language other than  
27 English in the past five years;

28 9. the number of individuals that have taken examinations for appoint-  
29 ment or promotion into titles that require proficiency in a language  
30 other than English in the past five years;

31 10. the number of times that existing employees in titles that require  
32 proficiency in a language other than English transferred or were  
33 promoted to a different title within the past five years; and

34 11. a determination of whether there are sufficient career mobility  
35 opportunities in the state service for individuals employed in titles  
36 that require proficiency in a language other than English.

37 § 3. For the purposes of this act, every public employer as defined in  
38 this section shall provide all requested assistance and information to  
39 the department of civil service in conducting the study required by this  
40 act. It shall be the duty of each officer of the public employer to  
41 comply with and aid in all proper ways in carrying into effect the  
42 provisions of this study. For the purposes of this act, the term "public  
43 employer" shall mean those employers with offices and positions in the  
44 classified service of the state and the term "classified service" shall  
45 have the same meaning as in section 40 of the civil service law.

46 § 4. The department of civil service shall submit such published  
47 report pursuant to section two of this act to the speaker of the assem-  
48 bly, the minority leader of the assembly, the temporary president of the  
49 senate, the minority leader of the senate, and the governor's office of  
50 employee relations no later than one year after the effective date of  
51 this act.

52 § 5. This act shall take effect immediately.