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 -- recommitted 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:

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

15. Whenever the director finds that under prevailing wage practices in private or other public employment in the state, employees in a given occupation who are required to be proficient in a language other than English receive a higher rate of pay than employees in the same occupation who are not required to be proficient in a language other than English, the director may, subject to the approval of the director of the budget, establish a pay differential for titles that require proficiency in a language other than English. Such differential shall be in addition to an employee's basic salary and shall not affect, impair or impede any performance advance 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 the employee ceases to be employed in the position for which such pay differential was authorized. A pay differential 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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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 shall be authorized to determine how such differential shall be paid, subject to the approval of the director of the budget. The director of the budget may adopt such regulations as he or she may deem necessary to carry out the provisions of this subdivision.

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

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

2. the jurisdictional classification of such titles;

3. the salary grades and allocations of such titles;

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

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

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

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

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

9. the number of individuals that have taken examinations for appointment or promotion into titles that require proficiency in a language other than English in the past five years;

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

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

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

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

§ 5. This act shall take effect immediately.