

# STATE OF NEW YORK

5634

2023-2024 Regular Sessions

## IN ASSEMBLY

March 20, 2023

Introduced by M. of A. REYES, LAVINE, TAYLOR, AUBRY, CRUZ -- read once  
and referred to the Committee on Governmental Employees

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  
20 classification and compensation division with the consent of the direc-  
21 tor of the budget or until a new pay differential is authorized pursuant  
22 to this subdivision. The director shall be authorized to determine how

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

LBD05539-01-3

1 such differential shall be paid, subject to the approval of the director  
2 of the budget. The director of the budget may adopt such regulations as  
3 he or she may deem necessary to carry out the provisions of this subdi-  
4 vision.

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

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

12 2. the jurisdictional classification of such titles;

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

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

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

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

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

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

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

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

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

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

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

49 § 5. This act shall take effect immediately.