STATE OF NEW YORK

11547

IN ASSEMBLY

June 1, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Peoples-Stokes) -- (at request of the Department of Health) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to the staffing and operations of a cancer research institute and a related not-for-profit corporation

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

Section 1. Legislative findings and intent. In 1898, Dr. Roswell Park founded the first institution in the world to focus exclusively on cancer research. More than one hundred twenty years later, as the entity that was once an arm of the New York state department of health ("DOH") but is now a state public benefit corporation, Roswell Park Cancer Institute ("RPCI") continues to be a model for cancer research centers around the world. In fact, RPCI is one of the country's premier national cancer institute ("NCI") designated cancer centers, and one of only two in the entire state. The state has a paramount interest in ensuring the continuation of RPCI's medical research, and the implementation of best practices to support that research, as well as the protection of the employees who provide those services.

The legislature finds that RPCI, in collaboration with organized labor and other interested not-for-profit corporations, has the opportunity to implement a more efficient and effective practice to grant administration and management. The Health Research, Inc. ("HRI") was first formed in 1953 to exclusively serve the research conducted by RPCI, while RPCI was still an arm of DOH. The legislature finds that although over the years, HRI's scope grew to perform many important services for other state entities, the state will now benefit if all of the employees that currently service RPCI through HRI are transferred to Roswell Park Cancer Research Corporation ("RPCRC"), a private not-for-profit corporation exempt from taxation pursuant to Internal Revenue Code section 501(c)(3), formed to provide services and personnel for grant administration. This employment transfer, however, is conditioned on ensuring continuation of the terms and conditions of employment provided under

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

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the existing collective bargaining agreement until that agreement's expiration, and that the employment benefits afforded to HRI employees currently servicing RPCI, are continued when they are transferred to RPCRC. The legislature finds and affirms that this act's protections are necessary and appropriate to fully effectuate this purpose.

§ 2. Paragraph (d) of subdivision 5 of section 53-a of the state finance law, as amended by chapter 985 of the laws of 1973, is amended to read as follows:

(d) certain membership corporations closely affiliated with specific state agencies and whose purposes are essentially to support, supplement or extend the functions and programs of such state agencies, specifically: Youth Research Inc., The Research Foundation for Mental Hygiene, Inc., Health Research Inc.**, Roswell Park Cancer Research Corporation**, The Research Foundation of the State University of New York, and Welfare Research Inc.

§ 3. Upon the transfer of operations of the Buffalo Division of Health Research, Inc. ("HRI") to the Roswell Park Cancer Research Corporation ("RPCRC") pursuant to an agreement between HRI and RPCRC, all individuals then employed by the Buffalo Division of HRI shall become employees of RPCRC with equivalent offices, positions, and employment therewith. Notwithstanding any other provision of law or agreement to the contrary, the transfer of operations shall not occur until all applicable grants and monies held by HRI are transferred to RPCRC; moreover, all applicable employees shall be transferred to RPCRC on the same date, no earlier than the transfer of operations from HRI to RPCRC.

Those persons who were employed in the Buffalo Division of HRI who become employees of RPCRC shall retain their bargaining unit designation. RPCRC shall recognize the existing certified or recognized employee organization for those employees as the exclusive collective bargaining representative for such employees. Titles within the collective bargaining unit in existence prior to the transfer of employees to RPCRC shall remain in the unit and will not be altered by the transfer. Any newly created titles following the transfer shall be evaluated and placed in the bargaining unit in accordance with the definition of the negotiating unit as set forth in the collective bargaining agreement.

RPCRC and the existing certified or recognized employee organization shall assume the terms of the collective bargaining agreement between HRI and the existing collective bargaining representative in effect as of the date of the transfer of the employees to RPCRC until that agreement's expiration date on March 31, 2028. This assumption of terms of the collective bargaining agreement shall apply only to the employment of those persons who were employed in the Buffalo Division of HRI who become employees of RPCRC and to the employment of those persons who are hired by RPCRC prior to the expiration date of the existing collective bargaining agreement. Thereafter, RPCRC and the collective bargaining representative shall negotiate toward subsequent collective bargaining agreements in accordance with applicable law.

Upon the transfer, RPCRC shall have the responsibility to pay the salary or compensation of any employee who transfers to RPCRC, and for the liability for any carried-over leave time and retirement benefits for any employee who transfers to RPCRC. RPCRC shall, upon transfer, acknowledge and give credit for all leave balances, including personal leave, holiday accruals, annual leave, sick leave, and sick leave at half pay, held by employees of the Buffalo Division of HRI who become employees of RPCRC on the date of transfer.

No employee of HRI in positions represented by the existing certified or recognized employee organization who is then transferred to RPCRC consistent with this act shall be laid off by RPCRC as a direct consequence of the enactment of this section. There shall be a conclusive presumption that any RPCRC layoffs occurring more than twenty-four months after the effective transfer date described in this act shall be deemed not to be such a direct consequence; provided, however, that nothing contained in this act shall be construed to prevent the elimination of any service or position at any time as a result of the elimination of state or federal funding, the elimination or reduction of other grants or revenue streams, the loss of financial viability, the completion of a project or function or a portion thereof, the failure to obtain a grant, the failure to fund a grant, the expiration of a grant or contract, the discontinuance of a grant or contract, the lack of work, or the lack of funds to support specific functions or positions.

In the event RPCRC incorporates one or more subsidiaries for one or more of the purposes described in the RPCRC certificate of incorporation filed with the New York state department of state on January 9, 2025, as amended, such subsidiary or subsidiaries shall be deemed a party to the collective bargaining agreement with respect to those applicable employment categories then covered by the agreement then in existence between RPCRC and the collective bargaining agent, and employees of the subsidiary or subsidiaries shall be placed in the then-existing bargaining unit in accordance with the applicable terms of the collective bargaining agreement.

Employees of RPCRC shall not be deemed public employees under any law, including, but not limited to, the New York State Civil Service Law, which includes the Public Employees' Fair Employment Act, and RPCRC employees shall not have civil service status. Likewise, RPCRC shall not be deemed a public employer under any law, including but not limited to, the New York State Civil Service Law, which includes the Public Employees' Fair Employment Act.

RPCRC shall be governed and controlled by an independent board of directors and shall have exclusive authority over its internal operations and governance. The commissioner of health for the New York state department of health shall serve ex officio as a member of RPCRC's board of directors. No elected official shall have the authority to appoint, confirm, or remove any director from RPCRC's board of directors.

§ 4. Nothing contained in this act shall be construed to affect the rights of employees pursuant to a collective bargaining agreement.

§ 5. This act shall take effect upon the completion of all grants having been transferred from Health Research, Inc. to Roswell Park Cancer Research Corporation; provided, however, that Roswell Park Cancer Research Corporation shall notify the legislative bill drafting commission upon the occurrence of the transfer of such grants and the enactment of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.