

STATE OF NEW YORK

10628

IN SENATE

June 1, 2026

Introduced by Sen. BASKIN -- (at request of the Department of Health) --
read twice and ordered printed, and when printed to be committed to
the Committee on Rules

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 Assem-
bly, do enact as follows:

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

13 The legislature finds that RPCI, in collaboration with organized labor
14 and other interested not-for-profit corporations, has the opportunity to
15 implement a more efficient and effective practice to grant adminis-
16 tration and management. The Health Research, Inc. ("HRI") was first
17 formed in 1953 to exclusively serve the research conducted by RPCI,
18 while RPCI was still an arm of DOH. The legislature finds that although
19 over the years, HRI's scope grew to perform many important services for
20 other state entities, the state will now benefit if all of the employees
21 that currently service RPCI through HRI are transferred to Roswell Park
22 Cancer Research Corporation ("RPCRC"), a private not-for-profit corpo-
23 ration exempt from taxation pursuant to Internal Revenue Code section
24 501(c)(3), formed to provide services and personnel for grant adminis-
25 tration. This employment transfer, however, is conditioned on ensuring
26 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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1 the existing collective bargaining agreement until that agreement's
2 expiration, and that the employment benefits afforded to HRI employees
3 currently servicing RPCI, are continued when they are transferred to
4 RPCRC. The legislature finds and affirms that this act's protections are
5 necessary and appropriate to fully effectuate this purpose.

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

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

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

26 Those persons who were employed in the Buffalo Division of HRI who
27 become employees of RPCRC shall retain their bargaining unit desig-
28 nation. RPCRC shall recognize the existing certified or recognized
29 employee organization for those employees as the exclusive collective
30 bargaining representative for such employees. Titles within the collec-
31 tive bargaining unit in existence prior to the transfer of employees to
32 RPCRC shall remain in the unit and will not be altered by the transfer.
33 Any newly created titles following the transfer shall be evaluated and
34 placed in the bargaining unit in accordance with the definition of the
35 negotiating unit as set forth in the collective bargaining agreement.

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

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

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

16 In the event RPCRC incorporates one or more subsidiaries for one or
17 more of the purposes described in the RPCRC certificate of incorporation
18 filed with the New York state department of state on January 9, 2025, as
19 amended, such subsidiary or subsidiaries shall be deemed a party to the
20 collective bargaining agreement with respect to those applicable employ-
21 ment categories then covered by the agreement then in existence between
22 RPCRC and the collective bargaining agent, and employees of the subsid-
23 iary or subsidiaries shall be placed in the then-existing bargaining
24 unit in accordance with the applicable terms of the collective bargain-
25 ing agreement.

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

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

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

41 § 5. This act shall take effect upon the completion of all grants
42 having been transferred from Health Research, Inc. to Roswell Park
43 Cancer Research Corporation; provided, however, that Roswell Park Cancer
44 Research Corporation shall notify the legislative bill drafting commis-
45 sion upon the occurrence of the transfer of such grants and the enact-
46 ment of this act in order that the commission may maintain an accurate
47 and timely effective data base of the official text of the laws of the
48 state of New York in furtherance of effectuating the provisions of
49 section 44 of the legislative law and section 70-b of the public offi-
50 cers law.