

PROGRAM BILL # 22

GOVERNOR'S PROGRAM BILL

2011

MEMORANDUM

AN ACT to amend the civil service law and the state finance law, in relation to compensation and other terms and conditions of employment of certain state officers and employees, to authorize funding of joint labor-management committees, to implement agreements between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases, benefits and deductions for certain state officers and employees, in relation to rates of pay for certain state employees; to repeal certain provisions of the civil service law relating thereto; and making an appropriation for the purpose of effectuating certain provisions hereof (Part A); to amend the civil service law and the correction law, in relation to salaries; to repeal certain provisions of such laws relating thereto and making an appropriation for the purpose of effectuating certain provisions hereof (Part B)

PURPOSE OF THE BILL:

Part A of this bill implements the terms of a collective bargaining agreement (the "Agreement") between the executive branch of the State of New York and the employee organization representing members of the collective negotiating units designated as the Administrative Services Unit, the Institutional Services Unit, the Operational Services Unit and the Division of Military and Naval Affairs Unit ("the units"), entered into pursuant to article 14 of the Civil Service Law.

Part B of this bill provides the State's approximately 12,000 unrepresented employees who are prohibited from collective negotiations by the Taylor Law, including managerial or confidential ("M/C") employees, with benefits and increases in compensation at levels that are comparable to the benefits and increases in compensation received by employees represented by employee organizations.

This bill would continue comparability of benefits by supplementing existing appropriations to provide benefits and other aspects of employment that are on a par with those negotiated for represented employees by their respective employee organizations. These funds would provide for employee benefit and training and development programs, and the M/C share of negotiated programs.

SUMMARY OF PROVISIONS:

PART A OF THE BILL:

Section 1 of this part repeals and replaces subparagraphs 1, 2, 3 and 4 of Civil Service Law § 130(1)(a) and adds new subparagraphs 1, 2 and 3 to provide for the application of new salary schedules for officers and employees in the units.

Section 2 of this part amends Civil Service Law § 167 (8) to provide authority to modify the employer and employee shares of health premium and subscription costs under the New York State Health Insurance Plan.

Section 3 of this part amends Civil Service Law § 208(2) to provide for the period of unchallenged representation status for employee organizations for a period of four years with the Executive Branch of the State that commence in 2011.

Section 4 of this part amends Civil Service Law § 130(3)(e), governing longevity payments for employees who attain five and ten years of continuous service at the job rate. This section continues longevity payments to the extent provided in the collective bargaining agreement.

Sections 5 and 6 of this part amend State Finance Law §§ 8(12-d) and(12-e) to continue payments to employees for personal property damaged or destroyed in the course of the performance of official duties.

Section 7 of this part amends State Finance Law § 200 to provide the authority for the Comptroller to reduce, restore and/or repay basic annual salaries, hourly rates or per diems of employees. Such action(s) will be effective for employees in collective negotiating units in accordance with the terms of a collective bargaining agreement or interest arbitration award, and for employees not in collective negotiating units, when the director of budget authorizes a plan for such action(s).

Section 8 of the part authorizes the State to make payments to employees for withdrawing from the health insurance plan in accordance with the terms of the collective bargaining agreements or regulations promulgated by the Department of Civil Service.

Section 9 of this part provides for salary increases as follows:

- a) a lump sum payment of \$775 in 2013 and \$225 in 2014;
- b) a 2 percent basic annual salary increase effective March 27, 2014 for officers and employees on the administrative payroll and effective April 3, 2014 for officers and employees on the institutional payroll; and
- c) a 2 percent basic annual salary increase effective March 26, 2015 for officers and employees on the administrative payroll and effective April 2, 2015 for officers and employees on the institutional payroll.

Section 10 of this part provides for annual salary increases for positions in the non-professional service at the contract colleges of Cornell and Alfred Universities not to exceed those set forth in Section 9 of this part.

Section 11 of this part continues existing location compensation for employees whose principal place of employment is located in New York City, or the counties of Westchester, Rockland, Suffolk, Nassau, Dutchess, Putnam, Orange and Monroe. Employees in the counties of Dutchess, Putnam or Orange continue to receive location compensation at the annual rate of \$1,513. Employees in New York City, or in the counties of Rockland, Westchester, Nassau or Suffolk shall receive location compensation at the annual rate of \$3,026. For the county of Monroe, only employees hired before March 31, 1985 shall be eligible for continued location compensation of \$200 per year.

Section 12 of this part continues location compensation for certain officers and employees of the Hudson Valley Developmental Disabilities Services Office.

Section 13 of this part continues the provision of inconvenience pay to certain full-time employees of the Office for People with Developmental Disabilities who are required to sleep over at their work site.

Section 14 of this part continues pre-shift briefing compensation for certain employees of the State in the Division of Military and Naval Affairs Unit who are required to assemble for briefing prior to the commencement of duties. This section also continues the program for pre-shift briefing compensation for certain employees of the State employed by the Office of Children and Family Services who are members of the Institutional Services Unit.

Section 15 of this part continues assignment to duty pay in the form of an annual lump sum payment to employees in particular assignments provided for by the agreement. Such benefit shall be available until March 30, 2016, unless an extension is negotiated by the parties to the agreement.

Section 16 of this part provides for the continuation of an annual lump sum payment to long-term seasonal employees in an amount specified by, and subject to, the qualifying criteria established by the agreement. Such benefit shall be available until March 30, 2016.

Section 17 of this part continues winter maintenance shift pay for eligible full-time employees of the Department of Transportation in the Operational Services negotiating unit, in accordance with the agreement.

Section 18 of this part continues inconvenience pay for certain employees who work in the overnight hours at a rate of \$575 per year.

Section 19 of this part authorizes contributions to employee dependent care accounts in amounts and for the time periods specified by the agreement.

Section 20 of this part provides for the payment and publication of grievance and arbitration settlements and awards pursuant to the agreement.

Section 21 of this part continues a statewide labor-management committee to address issues of productivity and quality of work life in accordance with agreement.

Section 22 of this part requires that, prior to implementation of any salary increase, salary deduction, salary reduction, benefit modification, or modification to terms and conditions of employment, the Director of Employee Relations submit a letter to the Director of the Budget and the State Comptroller certifying that the collectively negotiated agreement has been ratified by the membership.

Section 23 of this part authorizes the State Comptroller to pay any amounts required by this bill during the fiscal years commencing April 1, 2011 for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund are insufficient, the Director of the Budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

Section 24 of this part provides that employees who participate in a special annuity program under article 8-C of the Education Law shall not suffer any reduction of the salary adjustment to which they are otherwise entitled under the program, as a result of an increase in compensation provided for in this bill.

Section 25 of this part appropriates funding for statewide labor-management committees dealing with issues of productivity, the quality of work life and other issues in accordance with the collectively negotiated agreement.

Section 26 of this part provides for an immediate effective date of this part, which shall be deemed to have been in full force and effect on and after April 2, 2011. Appropriations made by this chapter shall remain in full force and effect for liabilities incurred through March 31, 2012.

PART B OF THE BILL:

Section 1 of this part repeals Civil Service Law § 130(1)(d) and replaces it with a new paragraph (d), which includes new salary schedules for competitive, noncompetitive and labor class employees designated M/C, or who are otherwise excluded from representation rights.

Section 2 of this part repeals Correction Law § 19(1), and replaces it with a new subdivision 1 providing new salary schedules for superintendents of correctional facilities.

Section 3 of this part authorizes an increase in basic annual salary of 2 percent effective April 1, 2014 and 2 percent effective April 1, 2015. It provides for a lump sum payment of \$775 effective April 1, 2013 and a lump sum payment of \$225 effective April 1, 2014. Additionally, this section provides for performance advances, merit awards and longevity payments for non-statutorily paid employees.

Sections 4 and 5 of this part provide salary increases and lump sum payments consistent with the salary increases provided in Section 3 of this part for certain State officers and

employees in the Division of State Police, certain State employees in the State University and certain employees of the contract colleges at Cornell and Alfred.

Section 6 of this part continues existing location compensation for employees whose principal place of employment is located in New York City, or the counties of Westchester, Rockland, Suffolk, Nassau, Dutchess, Putnam, Orange and Monroe. Employees in the counties of Dutchess, Putnam or Orange continue to receive location compensation at the annual rate of \$1,513. Employees in New York City, or in the counties of Rockland, Westchester, Nassau or Suffolk shall receive location compensation at the annual rate of \$3,026. For the county of Monroe, only employees hired before March 31, 1985 shall be eligible for continued location compensation of \$200 per year.

Section 7 of this part continues location compensation for certain officers and employees of the Hudson Valley Developmental Disabilities Services Office.

Section 8 of this part provides for the continuation of an overtime meal allowance for employees covered by this part.

Section 9 of this part continues authorization for payment of grievance settlements and awards pursuant to the Executive Order No. 42 grievance procedure, which applies to M/C employees.

Section 10 of this part authorizes the State Comptroller to make payments required during the fiscal years commencing April 1, 2011.

Section 11 of this part provides that employees who participate in a special annuity program under article 8-C of the Education Law shall not suffer any reduction of the salary adjustment to which they are otherwise entitled under the program, as a result of an increase in compensation provided for in this bill.

Section 12 of this part provides that salary increases, pursuant to this bill, shall be effective on the first day of the first pay period nearest to the effective date of any such salary increase.

Section 13 of this part provides that the Director of the Budget may withhold any salary increase in order to: reflect the job performance of an officer or of an employee, maintain appropriate salary relationships among employees, reduce state expenditures to acceptable levels, or whenever such increase is not warranted or appropriate. Additionally, this section provides that the Director of the Budget may devise and implement a salary reduction plan covering employees covered by this Part.

Section 14 of this part appropriates additional funding to supplement currently available appropriations to carry out the benefits and training and development programs. In addition, funding is included to cover the pro rata M/C share of negotiated programs.

Section 15 of this part provides for an immediate effective date of this part, which shall be deemed to have been in full force and effect on and after April 1, 2011. Appropriations made by this chapter shall remain in full force and effect for liabilities incurred through March 31, 2012.

STATEMENT IN SUPPORT OF THE BILL:

PART A OF THE BILL:

This part of the bill implements the terms of a collective bargaining agreement covering members of the Administrative Services Unit, the Institutional Services Unit, the Operational Services Unit and the Division of Military and Naval Affairs Unit represented by CSEA. Approximately 59,000 full-time annual employees are covered by the Agreement, including keyboard specialists, clerks, cleaners, developmental and mental health therapy aides, nurses and highway maintenance workers.

The prior agreement governing these employees expired on April 1, 2011. Under Article 14 of the Civil Service Law, the Agreement is binding on all parties to it. This bill incorporates the terms of that Agreement relating to salary increases, salary deductions, salary reductions, benefit modifications, and modifications to terms and conditions of employment and appropriates funds necessary to pay for it, in accordance with the State's obligations.

PART B OF THE BILL:

This part of the bill establishes terms and conditions of employment for M/C and other unrepresented employees.

This part of the bill provides M/C and other unrepresented employees with compensation increases and payments that are comparable to recently negotiated increases and payments for certain represented employees. Such parity is essential to provide for appropriate salary administration (by maintaining proper salary relationships and mitigating salary compression), assure productivity, maintain good morale, and to allow for the recruitment and retention of competent staff.

FISCAL IMPLICATIONS OF THE BILL:

Part A the bill would provide appropriations totaling approximately \$19 million to pay for the cost of the negotiated agreement during the period April 2, 2011 to March 31, 2012.

Part B of the bill would provide appropriations totaling approximately \$3.5 million to pay its cost during the period April 1, 2011 to March 31, 2012.

EFFECTIVE DATE:

Part A of the bill takes effect retroactively as of April 2, 2011 and Part B of the bill takes effect retroactively as of April 1, 2011.