

PROGRAM BILL # 27

GOVERNOR'S PROGRAM BILL 2012

MEMORANDUM

AN ACT to amend the civil service law in relation to compensation, benefits and other terms and conditions of employment of state officers and employees who are the members of the agency police services unit (formerly the agency law enforcement services unit); to amend the state finance law in relation to the employee benefit fund for all members of the agency police services unit; to implement an agreement between the state and the employee organization representing the members of the agency police services unit; and making an appropriation for the purpose of effectuating certain of the provisions thereof

Purpose:

This bill would implement the terms of a collectively negotiated agreement entered into pursuant to Article 14 of the Civil Service Law (the "Agreement") between the executive branch of the State of New York and the employee organization which represents members of the collective negotiating unit designated as the Agency Police Services Unit (the "Unit"), which was formerly known as the Agency Law Enforcement Services Unit.

Summary of Provisions:

Section 1 of the bill would repeal paragraph h of subdivision 1 of Civil Service Law § 130, as added by chapter 114 of the Laws of 2006, paragraph i of subdivision 1 of Civil Service Law § 130, as added by chapter 3 of the Laws of 2007, and paragraph i of subdivision 1 of Civil Service Law § 130, as added by chapter 4 of the Laws of 2007, and add a new subparagraph h, to provide for the application of new salary schedules to all members of the Unit.

Section 2 of the bill would renumber paragraph j of subdivision 1 of Civil Service Law § 130 as paragraph i of subdivision 1 of Civil Service Law § 130.

Section 3 of the bill would make technical amendments to paragraph a of subdivision 6 of Civil Service Law § 131 to reflect the changes set out in sections 1 and 2 of the bill.

Section 4 of the bill would amend subdivision 2 of State Finance Law § 207-d to provide for the continuation of employer payments to an employee benefit fund established by the union for members of the Unit, pursuant to the terms of the Agreement. This provision would apply to all members of the Unit, and would provide payments to continue, in the amounts agreed to by the parties, in certain years of the Agreement.

Section 5 of the bill would make technical amendments to subdivision 3 of Civil Service Law § 154-b which permits a special education fund to be created through collective negotiations for the survivor children of members of the Unit, subject to the terms set forth therein.

Section 6 of the bill would make technical amendments to Civil Service Law § 154-b to permit a survivor's benefit to be created through collective negotiations for members of the Unit, subject to the terms set forth therein.

Section 7 of the bill provides for increases in the compensation applicable to all members of the Unit, in accordance with the terms of the Agreement, as follows:

Paragraph 1 of section 7 would provide that the section applies solely to all full-time members of the Unit.

Paragraph 2 of section 7 would, as of April 1, 2005, provide all members of the Unit with a two and one-quarter percent increase in compensation over and above the annual salary they received as of March 31, 2005.

Paragraph 3 of section 7 would, as of April 1, 2006, provide all members of the Unit with a two and three-quarters percent increase in compensation over and above the annual salary they received as of March 31, 2006.

Paragraph 4 of section 7 would, as of April 1, 2007, provide all members of the Unit with a three percent increase in compensation over and above the annual salary they received as of March 31, 2007.

Paragraph 5 of section 7 would, as of April 1, 2008, provide all members of the Unit with a three percent increase in compensation over and above the annual salary they received as of March 31, 2008.

Paragraph 6 of section 7 would, as of April 1, 2009, provide all members of the Unit with a three percent increase in compensation over and above the annual salary they received as of March 31, 2009.

Paragraph 7 of section 7 would, as of April 1, 2010, provide all members of the Unit with a four percent increase in compensation over and above the annual salary they received as of March 31, 2010.

Paragraph 8 of section 7 would, as of March 31, 2011, provide all members of the Unit with an increase in compensation of \$2,625 to reflect the addition of \$1,075 in uniform cleaning and maintenance or clothing allowance and \$1,550 in security enforcement differential to basic annual salary.

Paragraph 9 of section 7 would provide members of the Unit who meet certain criteria with a lump sum payment of \$775 in 2013 and \$225 in 2014.

Paragraph 10 of section 7 would, as of April 1, 2014, provide all members of the Unit with a two percent increase in compensation over and above the annual salary they received as of March 31, 2014.

Paragraph 11 of section 7 would provide performance advance payments to all members of the Unit within their salary grades pursuant to subdivision 6 of section 131 of the Civil Service Law.

Paragraph 12 of section 7 would provide that all members of the Unit who are eligible to receive a longevity payment would receive one pursuant to subparagraphs 1, 2, 3, 4, 5, 6, 7 or 8 of paragraph h of subdivision 1 of section 130 of the Civil Service Law, as added by section 1 of this bill.

Paragraph 13 of section 7 would provide that where the salary of any member of the Unit covered by this section is identical with either the hiring rate; performance advance steps 1, 2, 3, 4 or 5; the job rate; or the 10, 15, 20 or 25-year longevity step as of March 31 in each year of the Agreement, such member's basic annual salary would be increased to the corresponding hiring rate, performance advance step, job rate or longevity step as of April 1 of the same year.

Paragraph 14 of section 7 would afford unencumbered or newly created positions within the Unit the same treatment as encumbered and currently existing positions under this section.

Paragraph 15 of section 7 would provide that certain increases payable pursuant to this section would apply on a prorated basis to eligible members of the Unit who are paid on an hourly or per diem basis, in addition to those serving on a part-time or seasonal basis.

Paragraph 16 of section 7 would provide that the increases payable pursuant to this section would not apply to members of the Unit who are paid on a fee schedule basis.

Paragraph 17 of section 7 would give the Director of the Budget the discretion to apply the appropriate increases provided for in this section to eligible members of the Unit who are in positions that are not allocated to salary grades.

Paragraph 18 of section 7 would give the Director of the Budget and the Director of Employee Relations the discretion to withhold all or a portion of a Unit member's salary increase, where appropriate or warranted.

Section 8 of the bill would provide all members of the Unit with additional pay for assembling for briefing prior to the commencement of duties ("pre-shift briefing") in accordance with the terms of the Agreement.

Paragraph 1 of section 8 would continue to provide all members of the Unit with additional compensation in recognition of the pre-shift briefing pursuant to subdivision 5 of section 134 of the Civil Service Law.

Paragraph 2 of section 8 would continue to provide for the equivalent of the additional compensation provided for in paragraph 1 to members of the Unit employed by the Department of Environmental Conservation who do not stand line-up to compensate such members of the Unit for vehicle, equipment, office maintenance, and the handling of phone calls and home visitations received and initiated outside of the regular workday. This paragraph also continues to provide that members of the Unit who are in non-pay status for the day do not receive such pre-shift briefing compensation.

Paragraph 3 of section 8 would provide that compensation for pre-shift briefing is excluded from the calculation of overtime but would be included for retirement purposes.

Section 9 of the bill would provide all members of the Unit with an increase in the uniform cleaning and maintenance, and clothing allowances.

Paragraph 1 of section 9 of the bill would provide eligible members of the Unit with an increase in the collectively negotiated payment for uniform cleaning and maintenance to the amount of \$639 per year effective December 1, 2005; \$657 per year effective December 1, 2006; \$677 per year effective December 1, 2007; \$697 per year effective December 1, 2008; \$718 per year effective December 1, 2009; and \$747 per year effective December 1, 2010. Effective March 31, 2011, this amount would be increased to \$1,075, added to the basic annual salary of eligible members, and thereafter eliminated as a separate payment.

Paragraph 2 of section 9 of the bill would provide members of the Unit who are classified as investigators or detectives with an increase in the collectively negotiated payment for a clothing allowance to the amount of \$1,023 per year effective December 1, 2005; \$1,051 per year effective December 1, 2006; \$1,083 per year effective December 1, 2007; \$1,115 per year effective December 1, 2008; \$1,148 per year effective December 1, 2009; and \$1,194 per year effective December 1, 2010. Effective March 31, 2011, this amount would be increased to \$1,475 and then reduced by \$1,075, with only \$400 continuing as a separate clothing allowance payment for eligible investigators and detectives. Effective March 31, 2011, the amount of \$1,075 that is eliminated from the clothing allowance shall be added to the basic annual salary of eligible members.

Paragraph 3 of section 9 of the bill would prohibit any eligible member of the Unit who is eligible to receive a payment pursuant to paragraph 1 of this section from receiving an additional payment pursuant to paragraph 2 of this section, and prohibit any eligible member of the Unit who is eligible to receive a payment pursuant to subdivision 2 of this section from receiving an additional payment pursuant to subdivision 1 of this section.

Section 10 of the bill would provide eligible members of the Unit with an increase in location pay.

Paragraph 1 of section 10 of the bill would continue and increase the location pay benefit for Unit members whose official work station is located in New York City, Nassau County, Suffolk County, Westchester County or Rockland County, as follows: \$1,302 per year effective April 1, 2005; \$1,338 per year effective April 1, 2006; \$1,378 per year effective April 1, 2007; \$1,419 per year effective April 1, 2008; \$1,462 per year effective April 1, 2009; and \$1,520 dollars per year effective April 1, 2010.

Paragraph 2 of section 10 of the bill would provide that the location pay benefit shall be included as compensation for the purposes of overtime pay and retirement.

Section 11 of the bill would provide eligible members of the Unit with an increase in supplemental location pay.

Paragraph 1 of section 11 of the bill would continue and increase the supplemental location pay benefit, for the members of the Unit whose official work station is located in Orange County, Putnam County, Dutchess County, New York City, Nassau County, Suffolk County, Westchester County or Rockland County, as follows:

	Orange/Putnam/Dutch.	NYC/Rockland/Westch.	Nassau/Suffolk
Effective April 1, 2005	\$1,085	\$1,627	\$1,899
Effective April 1, 2006	\$1,115	\$1,672	\$1,951
Effective April 1, 2007	\$1,148	\$1,722	\$2,010
Effective April 1, 2008	\$1,182	\$1,774	\$2,070
Effective April 1, 2009	\$1,217	\$1,827	\$2,132
Effective April 1, 2010	\$1,266	\$1,900	\$2,217

Paragraph 2 of section 11 of the bill would provide that the supplemental location pay would be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

Section 12 of the bill would continue to provide members of the Unit with expanded duty pay in the amount of \$2,575 effective April 1, 2005. Effective March 31, 2011 the payment would increase \$3,075, to be paid annually. The payment would be equally distributed over the twenty-six payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

Section 13 of the bill would continue the marine/off road enforcement pay for members of the Unit employed by the Office of Parks, Recreation, and Historic Preservation or Department of Environmental Conservation at \$1,500, to be paid annually and equally divided over the twenty-six payroll periods in each fiscal year and count as compensation for overtime and retirement purposes.

Section 14 of the bill would continue the hazardous material pay and hazardous material/fire management/search and rescue pay for eligible members of the Unit employed by the Department of Environmental Conservation at \$1,500, to be paid annually and equally divided over the twenty-six payroll periods in each fiscal year and count as compensation for overtime and retirement purposes.

Section 15 of the bill would provide for an increase to the security enforcement differential, received by all members of the Unit, to \$588 per year effective April 1, 2005; \$604 per year effective April 1, 2006; \$622 per year effective April 1, 2007; \$641 per year effective April 1, 2008; \$660 per year effective April 1, 2009; and \$686 per year effective April 1, 2010. Effective March 31, 2011, the rate shall be increased to \$1,550, added to the basic annual salary of eligible members, and thereafter eliminated as a separate payment.

Section 16 of the bill would provide for an increase of the existing inconvenience pay program to the eligible members of the Unit who work four hours or more between the hours of 6:00 p.m. and 6:00 a.m. to \$511 effective April 1, 2005; \$525 effective April 1, 2006; \$541 effective April 1, 2007; \$557 effective April 1, 2008; \$574 effective April 1, 2009; and \$597 effective April 1, 2010.

Section 17 of the bill would provide for the continuation and administration of a statewide joint labor-management committee to study and make recommendations concerning major issues of employee assistance, performance evaluation, education and training, quality of work life and health benefits.

Section 18 of the bill would continue the publication of grievance arbitration settlements and awards.

Section 19 of the bill specifies the replacement of the term "agency law enforcement services unit" in consolidated and unconsolidated laws with the term "agency police services unit" to recognize the new name of the Unit.

Section 20 of the bill would continue to exempt the salaries of newly hired Unit members from the imposition of "deferred payment," pursuant to subdivision 2-a of section 200 of the State Finance Law.

Section 21 of the bill would provide 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 22 of the bill establishes that eligible members of the Unit should receive salary increases and deferred payment of salary increases called for by the Agreement between the parties. In accordance with the terms of the Agreement between the parties, this section provides that the salary and compensation due shall be paid in two installments.

Section 23 of the bill would provide for the use of appropriations to pay any amounts required by the provisions of this bill.

Section 24 of the bill would authorize and direct the comptroller, at the request of the director of the budget and in accordance with section 4 of the state finance law, to transfer up to \$5,851,000 from the general fund to the environmental regulatory account (S5) in the environmental conservation fund (301) to carry out the provisions of section twenty-six of this act.

Section 25 of the bill would authorize and direct the comptroller, at the request of the director of the budget and in accordance with section 4 of the state finance law, to transfer up to \$4,033,000 from the general fund to the conservation fund (302) to carry out the provisions of section twenty-six of this act.

Section 26 of the bill would appropriate monies to pay for the personal and non-personal services in this bill, in accordance with the Agreement, and provide that the salary increases and lump sum payments provided within the legislation will not be implemented until the Director of Employee Relations has delivered notice to the Director of the Budget and Comptroller that such amounts should be paid.

Section 27 of the bill would provide that the bill take effect immediately and would be deemed to have been in full force and effect on and after April 1, 2005.

Existing Law:

Chapter 114 of the Laws of 2006 addresses a variety of terms and conditions of employment that are directly relating to compensation for the time period April 1, 2003, through March 31, 2005, which arose out of an interest arbitration award issued pursuant to Civil Service Law § 209(4), for members of the Unit designated as a police officer pursuant to subdivision 34 of section 1.20 of the criminal procedure law.

Chapter 3 and 4 of the Laws of 2007 addresses a variety of terms and conditions of employment for members of the Security Supervisors Unit who are now members of the Agency Police Services Unit, which formerly was the Agency Law Enforcement Services Unit.

Civil Service Law § 130(1) (h) establishes the current salary schedules for the members of the Unit, as well as the current longevity schedule for those members.

Civil Service Law § 131(6) (a) provides for the payment of performance advances for members of the Unit.

Civil Service Law § 134(5) establishes the current pre-shift briefing payment.

State Finance Law § 207-d (2) provides for payments to an employee benefit fund established by the union for members of the Unit.

Statement in Support:

This bill is necessary to implement the terms of a collective bargaining agreement between the executive branch of the State of New York and the Police Benevolent Association of New York State, Inc., the employee organization certified to represent members of the Agency Police Services Unit, which was entered into pursuant to Article 14 of the Civil Service Law.

Budget Implications:

This bill would provide appropriations totaling approximately \$101 million (General Fund of approximately \$70 million) to pay for the cost of the agreement during the period April 1, 2005 to March 31, 2013. The 2011-12 financial plan accommodates the immediate and out-year costs associated with this bill.