

PROGRAM BILL # 34

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 certain state officers and employees who are members of the security services collective negotiating unit and who are not eligible for binding interest arbitration pursuant to subdivision 4 of section 209 of the civil service law; to implement an agreement between the state and the employee organization representing certain members of the security services collective negotiating unit; to repeal certain provisions of the civil service law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof.

Purpose:

This bill would implement the terms of a collectively bargained agreement (the "Agreement") between the State of New York ("State") and the New York State Correctional Officers and Police Benevolent Association, Inc. ("NYSCOPBA"), the employee organization that represents members of the collective negotiating unit designated as the Security Services Unit (the "Unit") who are ineligible for binding interest arbitration.

Summary of Provisions:

Section 1 of the bill would repeal Civil Service Law ("CSL") § 130 (1) (f) and replace it with a new CSL § 130 (1) (f) to establish new salary schedules for members of the Unit who are ineligible for binding interest arbitration ("arbitration-ineligible members").

Section 2, subd. 1 of the bill would set forth the applicability of the provisions of section 2 to arbitration-ineligible members of the Unit who are full-time annual salaried officers and employees.

Section 2, subd. 2 of the bill would provide for a 3% increase in the basic annual salary of arbitration-ineligible members of the Unit, effective April 1, 2009.

Section 2, subd. 3 of the bill would provide for a 4% increase in the basic annual salary of arbitration-ineligible members of the Unit, effective April 1, 2010.

Section 2, subd. 4 of the bill would, as of March 31, 2011, increase compensation of arbitration-ineligible members of the Unit by \$2,075 to reflect the addition of \$1,075 in the uniform cleaning and maintenance allowance and \$1,000 in the security enforcement differential to basic annual salary.

Section 2, subd. 5 of the bill would provide for a lump sum payment of \$775 on April 1, 2013 and \$225 on April 1, 2014 for those arbitration-ineligible members of the Unit on the payroll on the date of ratification and the date of the first payment.

Section 2, subd. 6 of the bill would provide for a 2% increase in the basic annual salary of arbitration-ineligible members of the Unit, effective April 1, 2014.

Section 2, subd. 7 of the bill would provide for a 2% increase in the basic annual salary of arbitration-ineligible members of the Unit, effective April 1, 2015.

Section 2, subd. 8 of the bill would provide performance advancement payments to arbitration-ineligible members of the Unit, within their salary grades, pursuant to CSL § 131(6) and the Agreement.

Section 2, subd. 9 of the bill would set the 10-year, 15-year, 20-year, and 25-year longevity step payments for arbitration-ineligible members of the Unit in accordance with the amounts prescribed by CSL § 30 (1) (f), as added by section 1 of this bill and the Agreement.

Section 2, subd. 10 of the bill would provide that where the salary of an arbitration-ineligible member of the Unit is identical to the hiring rate, 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 for which increases are provided in CSL § 130 (1) (f), as added by section 1 of this bill and the Agreement.

Section 2, subd. 11 of the bill would provide that unencumbered or newly created positions within the Unit would be treated the same as encumbered and currently existing positions, and that the Director of the Budget may reduce the salary of any such position which is, or becomes vacant.

Section 2, subd. 12 of the bill would provide that the salary increases payable pursuant to section 2 of the bill would apply on a prorated basis to arbitration-ineligible members of the Unit who are paid on an hourly or per diem basis, who are serving on a part-time or seasonal basis and who are paid on any basis other than at an annual salaried rate; except that the subdivisions 4, 8, 9 and 10 of section 2 of the bill would not apply to employees serving on an hourly, per diem or seasonal basis, except as determined by the Director of the Budget.

Section 2, subd. 13 of the bill would provide that the increases payable pursuant to section 2 of the bill would not apply to members of the Unit who are paid on a fee schedule basis.

Section 2, subd. 14 of the bill would authorize the Director of the Budget to apply the appropriate increases provided for in section 2 of the bill to arbitration-ineligible members of the Unit who are in positions that are not allocated to salary grades.

Section 2, subd. 15 of the bill would provide that any increase in compensation may be withheld in whole or in part from arbitration-ineligible members of the Unit to whom section 2 of the bill applies where, in the opinion of the Director of the Budget and the Director of Employee Relations, such increase is not warranted or is not appropriate for any reason.

Section 3 of the bill would provide additional compensation to arbitration-ineligible members of the Unit who are in full-time annual salaried employment status in recognition of the requirement that such employees assemble for briefing before the commencement of duties. Each such employee (except those who receive additional compensation pursuant to CSL § 134(5)) would receive additional compensation for pre-shift briefing in accordance with the terms of the Agreement, to be paid in addition to such employee's basic annual salary. Effective March 31, 2011, this amount would increase to a minimum of six dollars per day while in payroll status.

Section 4 of the bill would authorize and continue certain payments in lieu of overtime compensation (i.e. pre-shift briefing pay as provided in Section 3 of the bill) where the Director of the Budget has determined that an employee otherwise ineligible to receive overtime compensation may receive overtime compensation.

Section 5 of the bill would continue and provide an increase in the uniform allowance for arbitration-ineligible members of the Unit. This amount would increase to \$681 effective December 1, 2009 and \$708 effective December 1, 2010, payable on December 1 of each year. Effective March 31, 2011, this allowance would be increased to \$1,075, added to the basic annual salary and be eliminated as a separate payment.

Section 6 of the bill would continue and provide an increase in the location pay benefit for arbitration-ineligible members of the Unit whose official work stations are located in New York City, Nassau County, Suffolk County, Westchester County, or Rockland County to \$1,591 on April 1, 2009, to \$1,655 on April 1, 2010, to \$1,688 on April 1, 2014 and \$1,722 on April 1, 2015. Location pay for eligible members whose official work stations are located in Orange County, Putnam County, or Dutchess County would increase to \$849 on April 1, 2009, to \$883 on April 1, 2010, to \$901 on April 1, 2014, and to \$919 on April 1, 2015. Eligible members located in Monroe County would continue to receive \$200 per year.

Section 7 of the bill would continue locational compensation for certain employees of the Hudson Valley Developmental Disabilities Services Office who currently receive locational pay in accordance with specified provisions of law.

Section 8 of the bill would continue and increase the annual facility security pay for arbitration-ineligible members of the Unit to \$750 effective March 31, 2011.

Section 9 of the bill would continue and increase the security enforcement differential for the arbitration-ineligible members of the Unit to \$682 effective April 1, 2009 and \$709 effective April 1, 2010. Effective March 31, 2011, this amount would increase to \$1,000, be added to basic annual salary and eliminated as a separate payment.

Section 10 of the bill would continue the inconvenience pay program for arbitration-ineligible members of the Unit who work shifts between the hours of 6:00 p.m. and 6:00 a.m. (except on an overtime basis) and increase the annual inconvenience pay provided to such employees to \$602 per year effective April 1, 2009, and \$626 per year effective April 1, 2010.

Section 11 of the bill would make appropriations in the bill available for the payment and publication of grievance and arbitration settlements and awards.

Section 12 of the bill would condition the salary increases and benefit modifications provided in this bill on the existence of a fully executed and ratified Agreement providing for such increases and modifications.

Section 13 of the bill would establish the date upon which arbitration-ineligible members of the Unit would receive the salary or compensation increases provided by this bill.

Section 14 of the bill would provide a lump-sum payment to incumbent arbitration-ineligible members of the Unit to cover the difference between the salaries such members would receive after the enactment of this bill and the salary that such Unit members actually received before its enactment under the Agreement.

Section 15 of the bill would authorize the Comptroller to pay any amounts required by the provisions of this bill during the fiscal year commencing April 1, 2012.

Section 16 of the bill would authorize the Comptroller, upon request of the Director of Budget, to transfer monies from the general fund to the mental hygiene account (10) in the miscellaneous state special revenue fund (339) to carry out the provisions of section 18 of this bill.

Section 17 of the bill would authorize the Comptroller, upon request of the Director of Budget, to transfer monies from the general fund to the mental hygiene patient income account (13) in the miscellaneous state special revenue fund (339) to carry out the provisions of section 18 of this bill.

Section 18 of the bill would appropriate monies to pay for personal services, other than personal service and fringe benefits, and to carry out the provisions of this bill.

Section 19 of the bill would make the bill effective immediately and would deem it to have been in full force and effect on and after April 1, 2009.

Existing Law:

Chapter 150 of the Laws of 2010 implements the terms and conditions of employment for arbitration-ineligible members of the Unit set forth in the collective bargaining agreement between the State and NYSCOPBA for the period of April 1, 2007 through March 31, 2009.

CSL § 130 (1) sets forth the current salary schedules and longevity schedules for arbitration-ineligible members of the Unit. CSL § 131 (6) sets forth the performance advancement payment. CSL § 134 (5) establishes additional compensation for employees in any positions ineligible for overtime who are required to work beyond a normal work week.

Statement in Support:

This bill would implement the terms of the Agreement covering the arbitration-ineligible members of the Unit represented by NYSCOPBA. Those covered by the Agreement include employees in the titles of Safety and Security Officer and Security Services Assistant (guard, patrol and inspect various public facilities and perform other security-related duties), and in the title of Security Hospital Treatment Assistant (implement treatment goals through therapeutic interaction with patients and provide safety and security for the dangerous mentally ill, and perform other tasks related to such individuals).

The prior agreement covering these employees expired on March 31, 2009. On February 7, 2012, the State entered into the Agreement with NYSCOPBA. The Agreement was ratified on March 2, 2012 and covers the period between April 1, 2009 and March 31, 2016. Among other provisions, it provides for salary increases of 3% on April 1, 2009, 4% on April 1, 2010 (which would be paid retroactively in a lump sum to the represented individuals), 2% on April 1, 2014 and 2% on April 1, 2015.

Budget Implications:

This bill would provide All Funds appropriations totaling approximately \$43 million (General Fund of approximately \$5 million) to pay for the cost of the Agreement for the period of April 1, 2009 through March 31, 2012. The 2012-13 financial plan accommodates the costs associated with this bill.

Effective Date:

Immediately.