

PROGRAM BILL # 38

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 members of the security supervisors unit; to amend the state finance law, in relation to the employee benefit fund for all members of the security supervisors unit; to authorize funding of joint labor-management committees; to implement an agreement between the state and the employee organization representing the members of the security supervisors unit; to repeal certain provisions of the civil service law and the state finance 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 negotiated agreement between the State of New York ("State") and Council 82, the employee organization representing members of the collective negotiating unit designated as the Security Supervisors Unit (the "Unit"), entered into pursuant to Civil Service Law ("CSL") Article 14 (the "Agreement").

Summary of Provisions:

Section 1 of the bill would repeal CSL § 130(1)(i) and add a new CSL § 130(1)(i), to provide for the application of salary schedules to those members of the Unit who are employed by the Department of Corrections and Community Supervision ("DOCCS") and are designated as peace officers pursuant to Criminal Procedure Law ("CPL") § 2.10(25) who are eligible for arbitration ("the arbitration-eligible members").

Section 2 of the bill would repeal CSL § 130(1)(b) and add a new CSL § 130(1)(b) to provide for the application of salary schedules to those members of the Unit who are not eligible for binding interest arbitration pursuant to CSL § 209(4) (the "arbitration-ineligible members").

Section 3 of the bill would amend State Finance Law ("SFL") §207-a (2-a) to continue employer payments to the employee benefit fund established by Council 82, for the benefit of all members of the Unit in the amounts agreed to by the parties in each year of the Agreement.

Section 4 of the bill would amend L. 2012, c. 15 § 7, subsection 15 (the paybill for the Agency Police Services Unit) to make a technical correction. Such correction would clarify that certain increases to base compensation are only available to annual-salaried members of the unit, and may not be used to increase rates for employees employed on an hourly, per diem, or seasonal basis.

Section 5 of the bill would provide for the continuation of uniform allowances for certain seasonal and part-time employees in the Security Services Unit (represented by New York State Correctional Officers and Police Benevolent Association) subject to the negotiated terms of that agreement; such language was inadvertently omitted from the paybill covering that unit.

Section 6 of the bill would provide for increases in the compensation applicable to certain members of the Unit, in accordance with the terms of the Agreement, as follows:

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

Paragraph (2) would provide all full-time annual salaried members of the Unit with a 3% increase in compensation over and above the annual salary they received as of March 31, 2009, effective April 1, 2009.

Paragraph (3) would provide all full-time annual salaried members of the Unit with a 4% increase in compensation over and above the annual salary they received as of March 31, 2010, effective April 1, 2010.

Paragraph (4) would provide that the basic annual salary of all full-time annual salaried officers and employees in the security supervisors unit who are not eligible for binding interest arbitration pursuant to subdivision four of section two hundred nine of the civil service law and who are in full-time annual salaried employment status on March 30, 2011, be increased by one thousand seventy five dollars to reflect the addition of the uniform cleaning and maintenance to base salary.

Paragraph (5) would provide that all members of the Unit receive a lump sum payment totaling \$1,000 to be paid as follows:

- \$775 effective April 1, 2013, for each full-time annual salaried employee in the security supervisors unit in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security supervisors unit and (ii) in continuous service, as defined by paragraph (c) of subdivision 3 of section 130 of the civil service law, from that date until April 1, 2013; and
- \$225 effective April 1, 2014, for each full-time annual salaried employee in the security supervisors unit in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security supervisors unit and (ii) in continuous service, as defined by paragraph (c) of subdivision 3 of section 130 of the civil service law, from that date until April 1, 2013.

Paragraph (6) would provide all full-time annual salaried members of the Unit with a 2% increase in compensation over and above the annual salary they received as of March 31, 2014, effective April 1, 2014.

Paragraph (7) would provide all full-time annual salaried members of the Unit with a 2% increase in compensation over and above the annual salary they received as of March 31, 2015, effective April 1, 2015.

Paragraph (8) would provide performance advance payments to all annual salaried members of the Unit within their salary grades pursuant to CSL § 131 (6).

Paragraph (9) would continue to provide that annual salaried members who are eligible for the 10, 15, 20 and 25-year longevity step payments would receive such payments as prescribed by CSL § 130(1)(i) or CSL § 130(1)(b).

Paragraph (10) would provide that where the salary of any annual salaried 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 such member's basic annual salary would be increased to the corresponding hiring rate, performance advance step, job rate or longevity step as prescribed by CSL §§ 130(1)(i) or CSL §§ 130(1)(b).

Paragraph (11) would afford unencumbered or newly created positions within the Unit the same treatment as encumbered and currently existing positions under this section, and would provide that the Director of the Budget may reduce the salary of any position in the Unit which is or becomes vacant.

Paragraph (12) would provide that the increases payable pursuant to this section, except those in paragraphs four, eight, nine, and ten, shall apply on a prorated basis to eligible members of the Unit who are paid on an hourly or per diem basis and members serving on a part-time or seasonal basis.

Paragraph (13) would provide that the increases payable pursuant to this section shall not apply to members of the Unit who are paid on a fee schedule basis.

Paragraph (14) 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 annual-salaried positions that are not allocated to salary grades.

Paragraph (15) of section 4 would give the Director of the Budget and the Director of Employee Relations the discretion to withhold all of, or a portion of, a Unit member's increase in compensation when such increase is not warranted or is not appropriate.

Section 7 of the bill would continue the additional compensation paid to all full-time annual salaried members of the Unit for assembling for briefing prior to the commencement of duties ("pre-shift briefing") in accordance with the terms of the Agreement and CSL § 134(5);

would provide that members of the Unit who are in non-pay status for the day would not receive such pre-shift briefing compensation; and would provide that pre-shift briefing compensation would be excluded from a Unit member's annual salary as overtime pay, but included for retirement purposes.

Section 8 of the bill would provide for increases in corrections command pay and facility command pay. Effective April 1, 2009, corrections command pay shall be increased by 3% to \$1,639. Effective April 1, 2010, corrections command pay shall be increased by 4% to \$1,705. Effective March 31, 2011, arbitration ineligible members shall begin receiving corrections command pay at the rate then applicable and this benefit shall be called security supervisors command pay to reflect its applicability to all members of the unit. Effective April 1, 2014, the security supervisors command pay shall be increased by 2% to \$1,739. Effective April 1, 2015, the security supervisors command pay shall be increased by 2% to \$1,774.

Section 9 of the bill authorizes and continues certain payments in lieu of overtime compensation where the Director of the Budget has determined that an employee otherwise ineligible to receive overtime compensation may receive overtime compensation.

Section 10 of the bill would provide arbitration-ineligible members of the Unit with a 3% increase in the collectively negotiated payment for uniform cleaning, to the amount of \$681 per year, effective December 1, 2009 and a 4% increase to the amount of \$708, effective December 1, 2010. Effective March 31, 2011, this amount shall be increased to \$1,075 placed into basic annual salary and eliminated as a separate payment.

Section 11 of the bill would continue and increase the location pay benefit for full-time annual salaried arbitration-ineligible members of the Unit, as follows:

| | Nassau, Suffolk, Westchester, Rockland or City of New York | Orange, Putnam or Dutchess |
|----------|--|----------------------------|
| 4/1/2009 | \$1,591 | \$849 |
| 4/1/2010 | \$1,655 | \$883 |
| 4/1/2011 | \$1,655 | \$883 |
| 4/1/2012 | \$1,655 | \$883 |
| 4/1/2013 | \$1,655 | \$883 |
| 4/1/2014 | \$1,688 | \$901 |
| 4/1/2015 | \$1,722 | \$919 |

Full-time salaried arbitration-ineligible members of the Unit whose official work station is in the County of Monroe who on March 31, 1985 were eligible to receive location compensation would be eligible for continued location pay at a rate of \$203 per year.

Section 12 of the bill would continue and increase the location pay benefit for full-time annual salaried arbitration-eligible members of the Unit employed by DOCCS, as follows:

| | Orange/Putnam/Dutchess | NYC/Rockland/Westchester | Nassau/Suffolk |
|----------|------------------------|--------------------------|----------------|
| 4/1/2009 | \$1,231 | \$3,306 | \$3,379 |
| 4/1/2010 | \$1,280 | \$3,438 | \$3,514 |

Section 13 of the bill would continue the payment of location compensation for certain employees of the Hudson Valley Developmental Disabilities Services Office who currently receive location pay in accordance with specified provisions of law.

Section 14 of the bill would increase by 3% the facility security supervisor pay for full-time annual salaried arbitration-ineligible members of the Unit, to \$546, effective April 1, 2009, and by 4% to \$568, effective April 1, 2010, in recognition of such members' supervisory responsibilities. This payment would be equally divided over 26 payroll periods in each fiscal year and count as compensation for overtime and retirement purposes. Effective March 31, 2011, this payment shall be eliminated.

Section 15 of the bill would increase by 3% the security enforcement differential for full-time annual salaried arbitration-ineligible members of the Unit, to \$682 effective April 1, 2009, and to \$709 effective April 1, 2010. This payment would be equally divided over 26 payroll periods in each fiscal year and count as compensation for overtime and retirement purposes. Effective March 31, 2011, this payment shall be eliminated.

Section 16 of the bill would continue the inconvenience pay program for full-time annual salaried arbitration ineligible members of the Unit who work four or more hours between the hours of 6:00 p.m. and 6:00 a.m., except on an overtime basis, and would increase inconvenience pay by 3% to \$602, effective April 1, 2009, and by 4% to \$626, effective April 1, 2010.

Section 17 of the bill would continue the inconvenience payment program for arbitration-eligible members employed by DOCCS and would increase the evening shift payment by 3% to \$1,854 effective April 1, 2009 and by 4% to \$1,928 effective April 1, 2010. This section would also increase the night shift payment by 3% to \$927, effective April 1, 2009, and by 4% to \$964, effective April 1, 2010.

Section 18 of the bill would require the State, in accordance with the terms of the Agreement, to contribute designated amounts to the accounts of eligible employees who are enrolled for dependent care deductions pursuant to SFL § 201-a(7).

Section 19 of the bill would continue the state-wide joint labor-management committee for the period April 1, 2012 through March 31, 2016, with funding in the amounts provided in the Agreement.

Section 20 of the bill would make the appropriations contained in this bill available to the State for the payment and publication of grievance and arbitration settlements and awards.

Section 21 of the bill would continue to exempt the salaries of newly hired members of the Unit from the imposition of the "salary deferral" program pursuant to SFL § 200(2-a).

Section 22 of the bill would provide that the salary increases and benefit modifications provided herein for applicable members of the Unit would not be implemented until there is a fully executed collective bargaining agreement between the State and the employee organization representing employees in the Unit that has been ratified by the applicable membership of the employee organization.

Section 23 of the bill would fix the date upon which eligible members of the Unit would be eligible to receive the salary increases and deferred payment of salary increases provided for by the Agreement.

Section 24 of the bill would provide a lump-sum payment to each incumbent member of the Unit to cover the difference between the salary and compensation such member would receive subsequent to the enactment of this bill as compared with the salary and compensation that such members received prior to its enactment.

Section 25 of the bill would authorize the State Comptroller to pay any amounts required by the provisions of this bill.

Section 26 of the bill would, upon request of the Director of the Budget, authorize the State Comptroller to transfer funds 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 twenty-eight of this act.

Section 27 of the bill would, upon request of the Director of the Budget, authorize the comptroller to transfer funds 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 twenty-eight of this act.

Section 28 of the bill would appropriate monies to pay for personal services, nonpersonal services and to carry out the provisions of this bill.

Section 29 of the bill would make this bill effective immediately and deem it to have been in full force and effect on and after April 1, 2009.

Existing Law:

L. 2010, c. 152 sets forth terms and conditions of employment for arbitration-ineligible and arbitration eligible members of the Unit arising out of the collective bargaining agreement between the State of New York and Council 82 for the period of April 1, 2007 through March 31, 2009.

CSL § 130(1)(b) establishes the current salary and longevity schedules for arbitration-ineligible members of the Unit. CSL § 130(1) (i) establishes the current salary and longevity

schedules for arbitration-eligible members of the Unit. CSL § CSL § 134(5) establishes additional compensation for employees in any positions ineligible for overtime who are required to work beyond a normal work week. SFL §207-a(2-a) establishes the current employee benefit fund for members of the unit. L. 2012, c. 15, § 7 subsection 15 provides for prorated compensation for certain members of the Agency Police Services collective negotiating unit represented by the Police Benevolent Association of New York State, Inc.

Statement in Support:

This bill is necessary to implement the terms of a collective bargaining agreement between the State and Council 82, the employee organization representing members of the Unit, entered into pursuant to CSL Article 14.

Budget Implications:

This bill would provide appropriations totaling approximately \$13.7 million (General Fund of approximately \$12.2 million) to pay for the cost of the Agreement through March 31, 2013. The SFY 2012-13 financial plan accommodates the costs associated with this bill.

Effective Date:

This bill would take effect immediately and be deemed to have been in full force and effect on and after April 1, 2009.