

**GOVERNOR'S PROGRAM BILL
2012**

MEMORANDUM

AN ACT to amend the civil service law and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of corrections and community supervision; authorizing funding of joint labor-management committees; implementing an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

Purpose of Bill:

This bill would implement the provisions of an agreement ("Agreement") binding the State of New York and the employee organization ("NYSCOPBA") representing full-time members of the Security Services collective negotiating unit ("members of the unit" or "unit members") who are employed within the State Department of Corrections and Community Supervision ("DOCCS") and are designated as peace officers pursuant to Criminal Procedure Law ("CPL") § 2.10 ("arbitration eligible members").

Summary of Provisions:

Section 1 of the bill would repeal Civil Service Law ("CSL") § 130(1)(g) and replace it with a new paragraph (g) to establish a new salary schedule for members of the unit to reflect increases in basic annual salary effective April 1, 2009, April 1, 2010, April 1, 2014 and April 1, 2015.

Section 2 of the bill would amend State Finance Law ("SFL") § 207-a(2) to provide for payments to the Employee Benefit Fund for members of the unit. For the periods April 1, 2009 to March 31, 2010, April 1, 2010 to March 31, 2011, April 1, 2011 to March 31, 2012, and April 1, 2013 to March 31, 2013 such payment would be \$40 for each member of the unit for each year. Such payments would increase to \$40.80 for April 1, 2014 to March 31, 2015 and to \$41.62 for the period April 1, 2015 to March 31, 2016.

Section 3, subd. 1 of the bill would set forth the applicability of the provisions of section 3 to members of the unit who are annual salaried officers and employees.

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

Section 3, subd. 3 of the bill would provide for a 4% increase in the basic annual salary of annual salaried members of the unit, effective April 1, 2010.

Section 3, subd. 4 of the bill would provide for lump sum payments of \$775 on April 1, 2013 and \$225 on April 1, 2014 for those annual salaried members of the unit who are on the payroll on the date of ratification and on the date of the first payment.

Section 3, subd. 5 of the bill would provide for a 2% increase in the basic annual salary of annual salaried members of the unit, effective April 1, 2014.

Section 3, subd. 6 of the bill would provide for a 2% increase in the basic annual salary of annual salaried members of the unit, effective April 1, 2015.

Section 3, subd. 7 of the bill would provide performance advancement payments to annual salaried members of the unit, within their salary grades, pursuant to CSL § 131(6) and the Agreement.

Section 3, subd. 8 of the bill would set the 10-year, 15-year, 20-year, and 25-year longevity step payments for annual salaried members of the unit in accordance with the amounts prescribed by CSL § 130(1)(g), as added by section 1 of this bill and the Agreement.

Section 3, subd. 9 of the bill would provide that where the salary of an annual salaried 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) (g), as added by section 1 of this bill and the Agreement.

Section 3, subd. 10 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 3, subd. 11 of the bill would provide that the salary increases payable pursuant to section 3 of the bill would apply on a prorated basis to non-annual salaried members of the unit who are paid on an hourly or per diem basis, who are serving on a part-time or seasonal basis, or who are paid on any basis other than at an annual salaried rate; except that the subdivisions 4, 7, 8, and 9 of section 3 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 3, subd. 12 of the bill would provide that the increases payable pursuant to section 3 of the bill would not apply to members of the unit who are paid on a fee schedule basis.

Section 3, subd. 13 of the bill would authorize the Director of the Budget to apply the appropriate increases provided by section 3 of the bill to annual salaried members of the unit who are in positions that are not allocated to salary grades.

Section 3, subd. 14 of the bill would provide that any increase in compensation may be withheld in whole or in part from any member of the unit to whom section 3 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.

Section 4 of the bill would continue to provide additional compensation to members of the unit, in accordance with a determination made by a public arbitration panel, in recognition of the general requirement for annual salaried employees to assemble for briefing prior to the commencement of their duties. Each annual salaried member of the unit would receive a minimum of \$8 per day for pre-shift briefing, or a minimum of \$40 per week in the event of such member's absence from work. Such compensation would be excluded from a unit member's annual salary as overtime pay but included for retirement purposes.

Section 5 of the bill would provide location pay for annual salaried members of the unit. Unit members whose official work station is located in New York City or in the counties of Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, or Dutchess would receive location pay as follows:

	Orange/Putnam /Dutchess	NYC/Rockl./Nassau/Suffolk Westchester
April 1, 2009	\$1,231	\$3,306
April 1, 2010	\$1,280	\$3,438
April 1, 2011	\$1,280	\$3,438
April 1, 2012	\$1,280	\$3,438
April 1, 2013	\$1,280	\$3,438
April 1, 2014	\$1,280	\$3,438
April 1, 2015	\$1,280	\$3,438

Such payments would be equally divided over 26 payroll periods and count as compensation for overtime and retirement purposes.

Section 6 of the bill would provide for annual inconvenience pay to annual salaried members of the unit.

- Effective April 1, 2009, annual salaried members of the unit who work the “evening shift” would be paid one thousand eight hundred fifty four dollars per year. Effective April 1, 2010, this amount would be increased to one thousand nine hundred twenty eight dollars. Effective April 1, 2014, this amount would be increased to one thousand nine

hundred sixty seven dollars. Effective April 1, 2015, this amount shall be increased to two thousand six dollars.

- Effective April 1, 2009, annual salaried members of the unit who work the "night shift" would be paid nine hundred twenty seven dollars per year. Effective April 1, 2010, this amount would be increased to nine hundred sixty four dollars. Effective April 1, 2014, this amount would be increased to nine hundred eighty three dollars. Effective April 1, 2015, this amount would be increased to one thousand three dollars.

Section 7 of the bill would provide annual salaried members of the unit with expanded duty pay in the amount of two thousand six hundred dollars per year, effective March 31, 2011. Payment for such compensation would be equally divided over the 26 payroll periods of a fiscal year. Compensation paid pursuant to this section would be included as compensation for overtime and retirement purposes.

Section 8 of the bill would continue, for the period April 1, 2012 through March 31, 2016, a Statewide Joint Labor-Management Committee to study various labor-related issues including health benefits, employee assistance, performance evaluation, education and training, quality of work life, and to provide for the implementation of the terms of such agreements of such committee.

Section 9 of the bill would make available the appropriations contained in the bill to continue the payment and publication of grievance arbitration settlements and awards.

Section 10 of the bill would continue to exempt the salaries of newly hired unit members from the imposition of the "salary deferral" pursuant to SFL § 200(2-a).

Section 11 of the bill would provide that the salary increases, benefit modifications, and other modifications to terms and conditions of employment are not effective until the Director of Employee Relations certifies that there is a ratified agreement in place.

Section 12 of the bill would set the date upon which incumbent members of the unit would receive the salary increases provided by the agreement.

Section 13 of the bill would provide that until payment is made pursuant to this bill, members of the unit will receive payment otherwise payable in their respective positions. When basic annual salaries and other compensation items are first paid pursuant to this bill, such members shall be entitled to a lump sum payment for the difference between the salaries to which they were entitled since April 1, 2009 and the compensation actually received in accordance with the terms of the Agreement.

Section 14 of the bill would authorize the Comptroller to pay any amounts required by the bill. To the extent that existing appropriations available to any State department or agency are insufficient to accomplish the purposes set forth in this section, the Director of the Budget would be authorized to allocate to the various departments and agencies the amounts necessary to make such payments.

Section 15 of the bill would appropriate monies to pay for personal and non-personal services for members of the unit as provided in this bill and in accordance with the terms of the Agreement.

Section 16 of the bill would provide that it takes effect immediately and be deemed to have been in full force and effect on and after April 1, 2009.

Existing Law:

L. 2009, c. 214 and L. 2010, c. 150 are the terms and conditions of employment for members of the unit for the period April 1, 2007 to March 31, 2009. CSL § 130(1)(g) establishes the current salary schedules and longevity schedules for members of the unit. SFL §207-a(2) establishes the current employee benefit fund for members of the unit.

Statement in Support:

This bill is necessary to implement the terms of an agreement collectively negotiated between the State of New York and NYSCOPBA, the employee organization representing members of the Security Services bargaining unit.

Budget Implications:

This bill would provide appropriations totaling approximately \$339.4 million (General Fund of approximately \$339.3 million) to pay for the cost of the Agreement from April 1, 2009 through March 31, 2013. The SFY 2012-13 financial plan accommodates the immediate and ongoing 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.