

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; to implement agreements between the state and an employee organization; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the civil service law relating thereto

Purpose:

This bill would implement the terms of a collective bargaining agreement ("the Agreement"), entered into pursuant to Article 14 of the Civil Service Law ("CSL"), between the State of New York and the Public Employees Federation, AFL-CIO ("PEF"), the employee organization representing members of the collective negotiating unit designated as the Professional, Scientific and Technical Services Unit ("PS&T Unit").

Summary of Provisions:

Section 1 of this bill would repeal subparagraphs 1, 2, 3 and 4 of CSL §130(1)(c) and replace them with new subparagraphs 1 and 2 to provide for the application of new salary schedules for officers and employees in the unit for the period April 2, 2011 to April 1, 2015.

Section 2 of this bill would repeal CSL §131(6), which provided employees holding positions allocated to Grade 18 or below the ability to advance to a merit step above the job rate in certain circumstances, since this provision is no longer applicable after April 1, 2010.

Section 3 of this bill would provide for increases in compensation for eligible members of the PS&T Unit, including: (a) a 2% 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 (b) performance advancement payments to eligible members of the PS&T Unit pursuant to CSL §131(6). It would also empower the Director of the Budget ("DOB") and the Director of Employee Relations ("DER") to withhold all or a portion of a unit members' salary increase consistent with provisions in the current contract with the Civil Service Employees' Association.

Section 4 of the bill would continue existing location compensation for employees whose principal place of employment is located in New York City ("NYC") or the counties of Rockland, Westchester, Nassau, Suffolk, Dutchess, Putnam, Orange and Monroe. Employees in

the counties of Dutchess, Putnam or Orange would continue to receive location compensation at the annual rate of \$1,513. Employees in NYC or in the counties of Rockland, Westchester, Nassau or Suffolk would continue to receive location compensation at the annual rate of \$3,026. For the county of Monroe, only employees who were eligible on March 31, 1985 to receive location compensation would be eligible for continued location compensation of \$200 per year. If an employee is on an approved leave of absence for less than one year or participates in an employer program to work part-time during the summer months, prior eligibility for location pay would continue upon return to full-time State service in Monroe County.

Section 5 of the bill would continue location compensation for certain officers and employees of the Hudson Valley Developmental Disabilities Services Office.

Section 6 of the bill would continue special assignment to duty pay in the form of an annual lump sum payment to certain employees in a particular assignment deemed qualified under the terms of the Agreement and provides for the cessation of such payment on March 31, 2015, unless an extension is collectively bargained.

Section 7 of the bill would provide for 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.

Section 8 of the bill would authorize contributions to employee dependent care accounts in amounts and for the time period designated in the Agreement.

Section 9 of the bill would provide for the payment and publication of grievance and arbitration settlements and awards between the State and the employee organization representing employees who are members of the PS&T Unit.

Section 10 of the bill would provide that statewide labor-management committees, administered pursuant to the terms of the Agreement, would have responsibilities for studying and making recommendations concerning major issues of productivity, the quality of work life and implementing the agreements reached.

Section 11 of the bill would provide for inconvenience pay to continue at a rate of \$575 per year for eligible employees who work four or more hours between the hours of 6:00 p.m. and 6:00 a.m.

Section 12 of the bill would provide for the payment of a lump sum Firearms Training and Safety Incentive to qualified peace officers who are members of the PS&T Unit pursuant to the terms of a pilot program collectively negotiated between the State and the employee organization representing such members. It would also provide for the cessation of such payment on April 1, 2015, unless an extension is collectively bargained.

Section 13 of the bill would provide for the payment of a lump sum uniform allowance to certain employees of the Office of Fire Prevention and Control in the Fire Protection Specialist title series if there is a policy in place that requires employees to wear uniforms, in accordance with the terms of a negotiated side letter to the Agreement. This section would also provide for the cessation of such payment on April 1, 2015, unless an extension is collectively bargained.

Section 14 of the bill would require that, before any salary increase, salary deduction, salary reduction, benefit modification or any other modification to terms and conditions of employment provided by this bill, the DOB and the State Comptroller must receive a letter from the DER certifying that the Agreement has been ratified by the membership.

Section 15 of the bill would authorize the State Comptroller to pay any amounts required by this legislation during the fiscal year commencing April 1, 2011 for any State department or agency from any appropriation or other funds available to such department or agency for personal service or for any other related employee benefits during such fiscal year. To the extent that such appropriation in any fund is insufficient, the DOB is authorized to allocate to the various departments and agency, from any appropriations available in any fund, the amounts necessary to pay such amounts.

Section 16 of the bill would provide that employees who participate in a special annuity program under Article 8-C of the Education Law would not suffer any reduction of the salary adjustment to which they would otherwise be entitled under the program as a result of an increase in compensation provided for in this bill.

Section 17 of the bill would provide that certain funds for non-personal services, statewide labor-management committees, and other issues are appropriated for use by State departments or agencies, to carry out the provisions of this bill.

Section 18 of the bill would provide that the bill would be effective immediately, and be deemed to have been in full force and effect on and after April 2, 2011. Appropriations made by this bill would remain in full force and effect for liabilities incurred through March 31, 2013.

Existing Law:

CSL §130(1)(c) establishes the current salary schedules for members of the PS&T Unit.

CSL §131(6)(d) provides certain employees holding positions allocated to Grade 18 or below the ability to advance to a merit step above the job rate.

Statement in Support:

Enactment of this bill is necessary to implement the provisions of the Agreement, negotiated by the State with PEF on behalf of the PS&T Unit which was ratified on November 3, 2011. Approximately 51,000 full-time annual salaried employees are covered by the Agreement, which includes a variety of professional, scientific and technical titles including information technology professionals, nurses, accountants, lawyers, engineers and physicians.

The prior agreement governing these employees expired on April 1, 2011. This Agreement covers the period April 2, 2011, to April 1, 2015. This bill incorporates the terms of that Agreement.

Budget Implications:

This bill would provide appropriations totaling approximately \$ 17.3 million to pay for the cost of the Agreement during the period April 2, 2011 to March 31, 2013.