

PROGRAM BILL # 41

GOVERNOR'S PROGRAM BILL 2014

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 therefor; and to repeal certain provisions of such law relating thereto

Purpose:

This bill implements the terms of a collective bargaining agreement ("the Agreement"), entered into pursuant to Article 14 of the Civil Service Law, between the Executive Branch of the State of New York and the employee organization representing members of the collective negotiating unit designated as the Rent Regulation Services Unit for the period April 2, 2011 to April 1, 2016.

Summary of Provisions:

Section 1 of this bill would repeal subparagraphs 1, 2, 3 and 4 of Civil Service Law §130(1)(e) and replaces them with new subparagraphs 1, 2 and 3. Subparagraph 1 sets the salary schedule in effect on April 1, 2010, which will be the salary schedule in effect on April 1, 2011. Subparagraph 2 provides the salary schedule in effect on March 27, 2014 that includes the first collectively negotiated two percent general salary increase. Subparagraph 3 provides the salary schedule in effect on March 26, 2015 that includes the second collectively negotiated two percent general salary increase.

Section 2 of this bill would provide for increases in basic annual salary for covered members of the Rent Regulation Services Unit of: (a) two percent effective March 27, 2014; and (b) two percent effective March 26, 2015. This section provides that these increases will be paid on a pro-rated basis to otherwise eligible officers and employees who are paid on an hourly or per diem basis, or serving on a part-time or seasonal basis. It further authorizes performance advance payments to covered members of the Rent Regulation Services Unit in graded positions pursuant to the terms of the Agreement and Civil Service Law Section 131(6), and to non-statutory employees as authorized by the Director of the Budget. Finally, this section specifies that any increase in compensation may be withheld when, in the opinion of the Director of the Budget and the Director of Employee Relations, such increase is not warranted or appropriate.

Section 3 of the bill would continue existing location compensation for employees whose principal place of employment is located in New York City or the counties of Rockland, Westchester, Nassau and Suffolk at the annual rate of \$3,026.

Section 4 of the bill would authorize contributions to employee dependent care advantage accounts in amounts and for the time periods specified by the Agreement.

Section 5 of the bill would provide for the payment and publication of grievance and arbitration settlements and awards pursuant to the Agreement.

Section 6 of the bill would provide that labor-management committees, created, continued and administered pursuant to the terms of the Agreement, will have responsibility for discussing and attempting to resolve matters of mutual concern and implementing any agreements reached.

Section 7 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 Director of Employee Relations must submit a letter to the Director of the Budget and the State Comptroller certifying that the collectively negotiated agreement has been ratified by the membership.

Section 8 of the bill would authorize the State Comptroller to pay any amounts required by this bill during the fiscal year commencing April 1, 2014 for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund are insufficient, the Director of the Budget is authorized to allocate to the various department and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

Section 9 of the bill would provide that employees who participate in a special annuity program under Article 8-C of the Education Law shall not suffer any reduction of the salary adjustment to which they are otherwise entitled under the program, as a result of an increase in compensation provided for in this bill.

Section 10 of the bill would authorize a lump sum payment for retroactive salary increases and compensation modifications; such lump sum payment shall be made as soon as practicable.

Section 11 of the bill would appropriate funding for personal and non-personal services, salary adjustments, and statewide labor-management committees in accordance with the terms of the Agreement.

Section 12 of the bill provides for an immediate effective date of this act, which shall be deemed to have been in full force and effect on and after April 2, 2011. Appropriations made by this chapter would remain in full force and effect for liabilities incurred through March 31, 2015.

Existing Law:

Civil Service Law § 130(1)(e) establishes the current salary schedules for members of the Rent Regulation Services Unit.

Statement in Support:

Enactment of this bill is necessary to implement the provisions of the collective bargaining agreement, negotiated by the Executive Branch of the State of New York with District Council 37, AFSCME, AFL-CIO, on behalf of members of the Rent Regulation Services Unit. The Agreement was ratified on June 11, 2014. The Agreement covers approximately 300 employees that administer the rent control and rent stabilization system for the State Division of Housing and Community Renewal.

The prior agreement governing these employees expired on April 1, 2011. The current Agreement covers the time period April 2, 2011, to April 1, 2016. Under Article 14 of the Civil Service Law, the Agreement is binding on all parties to it. This bill incorporates the terms of that Agreement related to salary increases, deductions and reductions, benefit modifications, and modifications to terms and conditions of employment and appropriates funds necessary to pay for it, in accordance with the State's obligations.

Budget Implications:

This bill would provide appropriations totaling approximately \$454,000 (General Fund of approximately \$339,000) to pay for the cost of the Agreement during the period April 2, 2011 to March 31, 2015.