

# PROGRAM BILL # 42

S. -----  
Senate  
-----

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
-----

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*EDUC\***  
(Provides for the adjustment of  
stipends of certain incumbents in  
the state university of New York;  
appropriations)

SUNY stipends

## AN ACT

to provide for the adjustment of  
stipends of certain incumbents in  
the state university of New York and  
designating moneys therefor; to  
continue a doctoral program recruit-  
ment and retention enhancement fund;  
to continue an employee assistance  
program; to continue a professional  
development committee; to continue a  
comprehensive college graduate  
program recruitment and retention  
fund; to continue a fee mitigation

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s02 Flanagan	s28 Krueger	s55 O'Brien	s51 Seward
s11 Avella	s59 Gallivan	s24 Lanza	s58 O'Mara	s09 Skelos
s40 Ball	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s42 Bonacic	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s04 Boyle	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s44 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s50 DeFrancisco	s06 Hamon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s32 Diaz	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s18 Dilan	Thompson	s07 Martins	s19 Sampson	s57 Young
s31 Espallat	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin
s49 Farley	s63 Kennedy	s25 Montgomery	s23 Savino	s08
s17 Felder	s34 Klein	s54 Nozzolio	s29 Serrano	s20

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a147 DiPietro	a076 Kellner	a132 Palmesano	a099 Skoufis
a092 Abinanti	a115 Duprey	a040 Kim	a002 Palumbo	a022 Solages
a084 Arroyo	a004 Englebright	a131 Kolb	a088 Paulin	a114 Stee
a035 Aubry	a109 Fahy	a105 Lalor	a141 Peoples-	a110 Steck
a120 Barclay	a071 Farrell	a013 Lavine	Stokes	a127 Stirpe
a106 Barrett	a126 Finch	a050 Lentol	a058 Perry	a011 Sweeney
a082 Benedetto	a008 Fitzpatrick	a125 Lifton	a086 Pichardo	a112 Tedisco
a117 Blankenbush	a124 Fricnd	a102 Lopez, P.	a089 Pretlow	a101 Tenney
a062 Borelli	a095 Galef	a123 Lupardo	a073 Quart	a001 Thiele
a026 Braunstein	a137 Gantt	a010 Lupinacci	a019 Ra	a061 Titone
a044 Brennan	a007 Garbarino	a121 Magee	a012 Raia	a031 Titus
a119 Brindisi	a148 Giglio	a129 Magnarelli	a006 Ramos	a146 Walter
a138 Bronson	a080 Gjonaj	a064 Malliotakis	a078 Rivera	a041 Weinstein
a046 Brook-Krasny	a066 Glick	a030 Markey	a128 Roberts	a020 Weisenberg
a093 Buchwald	a023 Goldfeder	a090 Mayer	a056 Robinson	a024 Weprin
a118 Butler	a150 Goodell	a108 McDonald	a068 Rodriguez	a070 Wright
a103 Cahill	a075 Gottfried	a014 McDonough	a072 Rosa	a096 Zebrowski
a043 Camara	a005 Graf	a017 McKevitt	a067 Rosenthal	a054
a145 Ceretto	a100 Gunther	a107 McLaughlin	a025 Rozic	a055
a033 Clark	a139 Hawley	a038 Miller	a116 Russell	a059
a047 Colton	a083 Heastie	a052 Millman	a149 Ryan	a060
a032 Cook	a003 Hennessey	a015 Montesano	a009 Saladino	a077
a144 Corwin	a028 Hevesi	a136 Morelle	a111 Santabarbara	a079
a085 Crespo	a048 Hikind	a057 Mosley	a029 Scarborough	a098
a122 Crouch	a018 Hooper	a039 Moya	a016 Schimel	a113
a021 Curran	a042 Jacobs	a133 Nojay	a140 Schimminger	a134
a063 Cusick	a097 Jaffee	a037 Nolan	a087 Sepulveda	a143
a045 Cymbrowitz	a135 Johns	a130 Oaks	a065 Silver	
a053 Davila	a094 Katz	a069 O'Donnell	a027 Simanowitz	
a034 DenDekker	a074 Kavanagh	a051 Ortiz	a036 Simotas	
a081 Dinowitz	a142 Kearns	a091 Otis	a104 Skartados	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

fund; to continue a downstate location fund; to continue a joint labor management advisory board; to continue an accidental death benefit; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Adjustment to stipends of certain incumbents in the state  
2 university of New York. (a) The stipend as of academic year 2009-2010  
3 for an incumbent of a position in the state university of New York in  
4 the collective negotiating unit designated as the state university grad-  
5 uate student negotiating unit in the state university of New York estab-  
6 lished pursuant to article 14 of the civil service law, on September 30,  
7 2009, shall be increased by two percent, rounded up to the next dollar,  
8 commencing the beginning of the payroll period the first day of which is  
9 nearest to October 1, 2009. "Incumbent," as referenced in this subdivi-  
10 sion, shall be defined as members of the state university graduate  
11 student negotiating unit established pursuant to article 14 of the civil  
12 service law who were employed by the state university of New York on the  
13 effective date of the increase and at the time of payment.

14 (b) The stipend as of academic year 2010-2011 for an incumbent of a  
15 position in the state university of New York in the collective negotiat-  
16 ing unit designated as the state university graduate student negotiating  
17 unit in the state university of New York established pursuant to article  
18 14 of the civil service law, on September 30, 2010, shall be increased  
19 by three percent, rounded up to the next dollar, commencing the begin-  
20 ning of the payroll period the first day of which is nearest to October  
21 1, 2010. "Incumbent," as referenced in this subdivision, shall be  
22 defined as members of the state university graduate student negotiating  
23 unit established pursuant to article 14 of the civil service law who  
24 were employed by the state university of New York on the effective date  
25 of the increase and at the time of payment.

26 (c) For academic year 2011-2012, an incumbent of a position in the  
27 state university of New York in the collective negotiating unit desig-  
28 nated as the state university graduate student negotiating unit in the

1 state university of New York established pursuant to article 14 of the  
2 civil service law, shall receive a non-recurring lump sum payment in the  
3 amount of \$500, at the beginning of the payroll period the first day of  
4 which is nearest to October 1, 2014. "Incumbent," as referenced in this  
5 subdivision, shall be defined as members of the state university gradu-  
6 ate student negotiating unit established pursuant to article 14 of the  
7 civil service law who were employed by the state university of New York  
8 during academic year 2011-2012 (defined as the period July 2, 2011 to  
9 July 1, 2012) and at the time of payment. No incumbent as defined in  
10 subdivisions (a) or (b) of this section are eligible to receive this  
11 non-recurring lump sum payment. Employees to whom the provisions of this  
12 subdivision apply who are employed in less than full assistantships at  
13 the time of payment pursuant to this section shall be entitled to a  
14 non-recurring lump sum payment of \$250.

15 (d) The stipend as of academic year 2014-2015 for an incumbent of a  
16 position in the state university of New York in the collective negotiat-  
17 ing unit designated as the state university graduate student negotiating  
18 unit in the state university of New York established pursuant to article  
19 14 of the civil service law, on September 30, 2014, shall be increased  
20 by two percent, rounded up to the next dollar, commencing the beginning  
21 of the payroll period the first day of which is nearest to October 1,  
22 2014. "Incumbent," as referenced in this subdivision, shall be defined  
23 as members of the state university graduate student negotiating unit  
24 established pursuant to article 14 of the civil service law who were  
25 employed by the state university of New York on the effective date of  
26 the increase and at the time of payment.

27 (e) The stipend as of academic year 2015-2016 for an incumbent of a  
28 position in the state university of New York in the collective negotiat-

1 ing unit designated as the state university graduate student negotiating  
2 unit in the state university of New York established pursuant to article  
3 14 of the civil service law, on September 30, 2015, shall be increased  
4 by two percent, rounded up to the next dollar, commencing the beginning  
5 of the payroll period the first day of which is nearest to October 1,  
6 2015. "Incumbent," as referenced in this subdivision, shall be defined  
7 as members of the state university graduate student negotiating unit  
8 established pursuant to article 14 of the civil service law who were  
9 employed by the state university of New York on the effective date of  
10 the increase and at the time of payment.

11 (f) (i) This subdivision shall apply to employees in the collective  
12 negotiating unit designated as the state university graduate student  
13 negotiating unit in the state university of New York established pursu-  
14 ant to article 14 of the civil service law.

15 (ii) The minimum stipend for academic year 2009-2010 shall increase by  
16 two percent to \$8,758 annually for employees on full assistantships at  
17 university center campuses effective concurrent with the effective date  
18 of the increase in subdivision (a) of this section commencing the begin-  
19 ning of the payroll period the first day of which is nearest to October  
20 1, 2009.

21 (iii) The minimum stipend for academic year 2010-2011 shall increase  
22 by three percent to be \$9,021 annually for employees on full assistant-  
23 ships at university center campuses effective concurrent with the effec-  
24 tive date of the increase in subdivision (b) of this section commencing  
25 the beginning of the payroll period the first day of which is nearest to  
26 October 1, 2010.

27 (iv) The minimum stipend for academic year 2014-2015 shall increase by  
28 two percent to be \$9,201 annually for employees on full assistantships

1 at university center campuses effective concurrent with the effective  
2 date of the increase in subdivision (d) of this section commencing the  
3 beginning of the payroll period the first day of which is nearest to  
4 October 1, 2014.

5 (v) The minimum stipend for academic year 2015-2016 shall increase by  
6 two percent to be \$9,385 annually for employees on full assistantships  
7 at university center campuses effective concurrent with the effective  
8 date of the increase in subdivision (e) of this section commencing the  
9 beginning of the payroll period the first day of which is nearest to  
10 October 1, 2015.

11 (vi) Nothing herein shall prevent the state university of New York, in  
12 its discretion, from increasing amounts paid to an incumbent of a posi-  
13 tion of the state university graduate student negotiating unit in the  
14 state university of New York established pursuant to article 14 of the  
15 civil service law in addition to the minimum stipend provided, however,  
16 that the amounts required for such other increases and the cost of  
17 fringe benefits attributable to such other increases, as determined by  
18 the comptroller, are made available to the state in accordance with  
19 procedures established by the state university of New York.

20 (g) Notwithstanding any of the foregoing provisions of this section,  
21 any increase in compensation or lump sum payment may be withheld in  
22 whole or in part from any employee to whom the provisions of this  
23 section are applicable when, in the opinion of the chancellor of the  
24 state university of New York, the director of the budget, and the direc-  
25 tor of the governor's office of employee relations, such increase is not  
26 warranted or is not appropriate.

27 § 2. Doctoral program recruitment and retention enhancement fund.  
28 There is hereby continued, within the state university of New York, a

1 doctoral program recruitment and retention enhancement fund from the  
2 amounts appropriated herein. Such fund shall be used to enhance employee  
3 compensation for the purpose of recruitment and retention of new and  
4 existing doctoral students in selected programs. The specific doctoral  
5 programs eligible for enhanced compensation pursuant to this section  
6 shall be at the discretion of the state university of New York. Pursuant  
7 to the terms of the collective bargaining agreement, these funds may be  
8 reallocated for use by other joint committees upon mutual agreement of  
9 the parties. To be eligible for such payment, an employee must be  
10 employed on or after July 2, 2014 and at the time of payment. This  
11 program shall expire July 1, 2016.

12 § 3. Comprehensive college graduate program recruitment and retention  
13 fund. There is hereby continued, within the state university of New  
14 York, a comprehensive college graduate program recruitment and retention  
15 fund from the amounts appropriated herein. Such fund shall be used to  
16 enhance employee compensation for the purpose of recruitment and  
17 retention of new and existing graduate students in selected degree  
18 programs. The specific graduate degree programs eligible for enhanced  
19 compensation pursuant to this section shall be at the discretion of the  
20 state university of New York. Pursuant to the terms of the collective  
21 bargaining agreement, these funds may be reallocated for use by other  
22 joint committees upon mutual agreement of the parties. To be eligible  
23 for such payment, an employee must be employed on or after July 2, 2014  
24 and at the time of payment. This program shall expire July 1, 2016.

25 § 4. Fee mitigation fund. There is hereby continued, within the state  
26 university of New York, a fee mitigation fund from the amounts appropri-  
27 ated herein. Such fund shall be used for the purpose of funding the cost  
28 of various fees, including but not limited to technology fees. Pursuant

1 to the terms of the collective bargaining agreement, these funds may be  
2 reallocated for use by other joint committees upon mutual agreement of  
3 the parties. To be eligible for such payment, an employee must be  
4 employed on or after July 2, 2014 and at the time of payment. This  
5 program shall expire July 1, 2016.

6 § 5. Downstate location fund. There is hereby continued, within the  
7 state university of New York, a downstate location fund from the amounts  
8 appropriated herein. Such fund shall be used for the purpose of funding  
9 location adjustments in the downstate area for employees whose work site  
10 is New York City, Suffolk, Nassau, Rockland, Westchester, Dutchess,  
11 Putnam or Orange counties. The specific location adjustments funded  
12 pursuant to this section shall be at the discretion of the state univer-  
13 sity of New York. Pursuant to the terms of the collective bargaining  
14 agreement, these funds may be reallocated for use by other joint commit-  
15 tees upon mutual agreement of the parties. To be eligible for such  
16 payment, an employee must be employed on or after July 2, 2014 and at  
17 the time of payment. This program shall expire July 1, 2016.

18 § 6. Joint labor management advisory board. Pursuant to the terms of  
19 an agreement negotiated between the state and the employee organization  
20 representing employees in the collective negotiating unit designated as  
21 the state university graduate student negotiating unit in the state  
22 university of New York established pursuant to article 14 of the civil  
23 service law, there shall be continued a joint labor management advisory  
24 board to study and make recommendations concerning issues of family  
25 benefits and implement agreements that may be entered into between the  
26 state and such employee organization concerning such issues within the  
27 appropriations made available therefor. Pursuant to the terms of the

1 collective bargaining agreement, these funds may be reallocated for use  
2 by other joint committees upon mutual agreement of the parties.

3 § 7. Employee assistance program. Pursuant to the terms of an agree-  
4 ment negotiated between the state and the employee organization repres-  
5 enting the collective negotiating unit designated as the state universi-  
6 ty graduate student negotiating unit in the state university of New York  
7 established pursuant to article 14 of the civil service law, there shall  
8 be continued an employee assistance program to be administered in  
9 accordance with such agreement within the appropriations made available  
10 therefor. Pursuant to the terms of the collective bargaining agreement,  
11 these funds may be reallocated for use by other joint committees upon  
12 mutual agreement of the parties. This program shall expire July 1, 2016.

13 § 8. Professional development committee. Pursuant to the terms of an  
14 agreement negotiated between the state and the employee organization  
15 representing the collective negotiating unit designated as the state  
16 university graduate student negotiating unit in the state university of  
17 New York established pursuant to article 14 of the civil service law,  
18 there shall be continued a professional development committee to review,  
19 make recommendations and implement programs for professional develop-  
20 ment. Such program shall be administered in accordance with such agree-  
21 ment within the appropriations made available therefor. Pursuant to the  
22 terms of the collective bargaining agreement, these funds may be reallo-  
23 cated for use by other joint committees upon mutual agreement of the  
24 parties. This program shall expire July 1, 2016.

25 § 9. Notwithstanding any provision of law to the contrary, the appro-  
26 priations contained in this act shall be available to the state for the  
27 payment of grievance and arbitration settlements and awards provided for  
28 in the collective negotiating agreement between the state and employee

1 organization representing the collective negotiating unit designated as  
2 the state university graduate student negotiating unit in the state  
3 university of New York established pursuant to article 14 of the civil  
4 service law.

5 § 10. Accidental death benefit. Pursuant to the terms of an agreement  
6 negotiated between the state and the employee organization representing  
7 the collective negotiating unit designated as the state university grad-  
8 uate student negotiating unit in the state university of New York estab-  
9 lished pursuant to article 14 of the civil service law, there shall  
10 continue to be a death benefit in the amount of fifty thousand dollars,  
11 in the event an employee dies on or after July 2, 2007 as the result of  
12 an accidental on-the-job injury and a death benefit is paid pursuant to  
13 the workers' compensation law, payable by the state to the employee's  
14 surviving spouse and children to whom the workers' compensation acci-  
15 dental death benefit is paid, or to the employee's estate, and in the  
16 same proportion as the workers' compensation accidental death benefit is  
17 paid. Such program shall be administered in accordance with such agree-  
18 ment within the appropriations made available therefor.

19 § 11. The stipend increases, lump sum payment and benefit modifica-  
20 tions provided for by this act for state employees and any incumbent, as  
21 defined by section one of this act, in the collective negotiating unit  
22 designated as the state university graduate student negotiating unit in  
23 the state university of New York established pursuant to article 14 of  
24 the civil service law shall not be implemented until the director of  
25 employee relations has delivered to the director of the budget and the  
26 comptroller a letter certifying that there is in effect with respect to  
27 such negotiating unit a collective negotiating agreement which provides  
28 for such increases and modifications and which is ratified and fully

1 executed in writing with the state pursuant to article 14 of the civil  
2 service law.

3 § 12. Date of entitlement to stipend increase. Notwithstanding the  
4 provisions of this act or of any other provision of law to the contrary,  
5 the stipend increase of any incumbent, as defined by section one of this  
6 act, of the collective negotiating unit designated as the state univer-  
7 sity graduate student negotiating unit in the state university of New  
8 York established pursuant to article 14 of the civil service law, as  
9 provided by this act, shall be added to the stipend of such incumbent at  
10 the beginning of the payroll period the first day of which is nearest to  
11 the effective date of such increase as provided in this act, or at the  
12 beginning of the earlier of two payroll periods the first days of which  
13 are nearest but equally near to the effective date of such increase as  
14 provided in this act; provided, however, that for the purposes of deter-  
15 mining the stipend of such employee upon reclassification, reallocation,  
16 appointment, promotion, transfer, demotion, reinstatement or other  
17 change of status, such stipend increase shall be deemed to be effective  
18 on the date thereof as prescribed by this act, and the payment thereof  
19 pursuant to this section on a date prior thereto, instead of on such  
20 effective date, shall not operate to confer any additional compensation  
21 rights or benefits on such employee. Payment of such stipend increase  
22 may be deferred pursuant to section thirteen of this act.

23 § 13. Deferred payment of stipend increase. Notwithstanding the  
24 provisions of this act, or of any other provision of law to the contra-  
25 ry, pending payment of stipends pursuant to this act for any incumbent,  
26 as defined by section one of this act, of positions subject to this act,  
27 such incumbent shall receive, as partial compensation for services  
28 rendered, the stipends otherwise payable in their respective position.

1 An incumbent, as defined by section one of this act, holding a position  
2 subject to this act at any time during the period from July 2, 2009,  
3 until the time when stipend increases are first paid pursuant to this  
4 act for such services in excess of the compensation actually received  
5 therefor, shall be entitled to a lump sum payment for the difference  
6 between the stipend to which such incumbent is entitled for such service  
7 and the stipend actually received therefor. Such lump sum payment shall  
8 be made as soon as practicable.

9 § 14. Use of appropriations. Notwithstanding any provision of the  
10 state finance law or any other provision of law to the contrary, the  
11 state comptroller is authorized to pay any amounts required by the fore-  
12 going provisions of this act. To the extent that existing appropriations  
13 available to any state department or agency in any fund are insufficient  
14 to accomplish the purposes set forth in this section, the director of  
15 the budget is authorized to allocate to the various departments and  
16 agencies, from any appropriations available in any fund, the amounts  
17 necessary to make such payments. Any appropriations or other funds  
18 available to any state department or agency for personal service or for  
19 other related employee benefits during the fiscal year commencing April  
20 1, 2014 shall be available for the payment of any liabilities or obli-  
21 gations incurred pursuant to the foregoing provisions of this act,  
22 whether occurring prior to or during the state fiscal year commencing  
23 April 1, 2014.

24 § 15. Notwithstanding any law to the contrary, and in accordance with  
25 section 4 of the state finance law, the comptroller is hereby authorized  
26 and directed to transfer, upon request of the director of the budget, up  
27 to \$2,695,000 from the general fund to the state university income fund  
28 (345) to carry out the provisions of section sixteen of this act.

1 § 16. Appropriations. Notwithstanding any provision of the state  
2 finance law or any other provision of law to the contrary, the several  
3 amounts as hereinafter set forth in this section are hereby appropriated  
4 from the funds so designated for use by any state department or agency  
5 for the fiscal year beginning April 1, 2014 to supplement appropriations  
6 from each respective fund available for personal service, other than  
7 personal service and fringe benefits, and to carry out the provisions of  
8 this act. Moreover, the amounts appropriated as non-personal service may  
9 be sub-allocated to any state department or agency as needed. The monies  
10 hereby appropriated are available for payment of any liabilities or  
11 obligations incurred prior to or during the state fiscal year commencing  
12 April 1, 2014 in addition to liabilities or obligations associated with  
13 the state fiscal year commencing April 1, 2009. For this purpose, these  
14 appropriations shall remain in full force and effect for the payment of  
15 liabilities incurred on or before April 1, 2014. No money shall be  
16 available for expenditure from this appropriation until a certification  
17 of approval has been issued by the director such certificate or any  
18 amendment thereto has been filed with the state comptroller, the chair-  
19 person of the senate finance committee, and the chairperson of the  
20 assembly ways and means committee.

21

ALL STATE DEPARTMENTS AND AGENCIES

22

General Fund - State Purposes Account

23

MAINTENANCE UNDISTRIBUTED

- 1 Doctoral Program Recruitment and Retention Enhancement
- 2 Fund.....\$670,000
- 3 Comprehensive College Graduate Program
- 4 Recruitment and Retention Fund.....\$196,000
- 5 Fee Mitigation Fund.....\$578,000
- 6 Downstate Location Fund.....\$351,000
- 7 Family Benefits Program.....\$84,000
- 8 Statewide Professional Development Committee.....\$168,000
- 9 Employee Assistance Program.....\$12,000
  
- 10 Special Revenue Funds - Other
- 11 State University Income Fund - 345
  
- 12 Personal Service.....\$2,695,000
  
- 13 Miscellaneous Special Revenue Fund - 339
  
- 14 Personal Service.....\$28,000

15 § 17. This act shall take effect immediately and shall be deemed to  
 16 have been in full force and effect on and after July 2, 2009.