

PROGRAM BILL # 14

GOVERNOR'S PROGRAM BILL

2013

MEMORANDUM

AN ACT implementing an agreement between the state and an employee organization; providing for the adjustment of salaries of certain incumbents in the professional service in the state university; certain employees of the contract colleges of Cornell and Alfred Universities and making an appropriation therefor

Purpose:

This bill implements the terms of a collective bargaining agreement ("the Agreement") between the executive branch of the State of New York and the employee organization representing members of the collective negotiating unit designated as the Professional Services Negotiating Unit ("the Unit"), entered into pursuant to Article 14 of the Civil Service Law.

Summary of Provisions:

Section 1 of the bill defines the terms "professional services unit," "the agreement" and "the employee organization" for purposes of this Act.

Section 2, subd. 1 and 2 of the bill, would provide for the following increases in basic annual salary for members of the Unit, in accordance with the terms of the Agreement: (1) a 2% increase on the first day of the payroll period closest to July 1, 2014 or September 1, 2014, depending on the professional obligation of the employee; and (2) a 2% increase on the first day of the payroll period closest to July 1, 2015 or September 1, 2015, depending on the professional obligation of the employee.

Section 2, subd. 3 of the bill would provide that an employee who was in service on April 30, 2014 or April 30, 2015, and whose employment expired prior to July 1, 2014 or July 1, 2015, respectively, and who would have been eligible for the salary increases provided in subdivisions 1 and 2 of this section if the employee's employment had continued through July 1 of such year, would be eligible for the aforementioned salary increases if the employee were reemployed in an equivalent position for at least one semester or the equivalent of a twelve-month period commencing on July 1 of such year.

Section 2, subd. 4 of the bill would provide that an employee who was in service during a portion of the twelve-month period commencing on July 1, 2014 or July 1, 2015, for at least one semester but whose employment expired prior to July 1 of the following year, would be eligible for the salary increases provided in subdivisions 1 and 2 of this section if the employee were

reemployed in an equivalent position for at least one semester or the equivalent of the twelve-month period commencing on July 1 of such following year.

Section 2, subd. 5 of the bill would provide that for each of the years 2013, 2014 and 2015, there would be an amount equal to 0.5% of the total of basic annual salaries of applicable members of the Unit on June 30 of each year of the Agreement available in each of those three years for distribution to eligible incumbents as lump sum bonus payments by the State University Trustees, at their discretion, with such distribution to occur no later than December 31 of each year. For the year 2016, there would be an amount equal to 1% of the total of basic annual salaries of applicable members of the Unit on June 30 of that year, available for distribution to eligible incumbents as a lump sum bonus payment by the State University Trustees, at their discretion, with such distribution to occur no later than December 31 of that year.

Section 2, subd. 6 of the bill would provide a Chancellor's Power of SUNY Performance Incentive Payment in the amount of \$500 effective July 1, 2013, \$250 effective July 1, 2014, and \$500 effective July 1, 2015. Such amounts would be added to the base salary of eligible Unit members, in accordance with the terms of the Agreement, and at the discretion of the Chancellor, not later than December 31 in each of the three years. In addition, such payments would be prorated for eligible part-time employees based on a formula to be agreed to by the State and the employee organization representing members of the Unit.

Section 2, subd. 7 of the bill would continue the current location pay benefit for eligible members of the Unit whose work station is in the city of New York or in the county of Suffolk, Nassau, Rockland or Westchester at the annual rate of \$3,026 per year. This subdivision also would continue the current location pay benefit for eligible members of the Unit whose work station is in the county of Dutchess, Putnam or Orange at the annual rate of \$1,513 per year.

Section 2, subd. 8 of the bill would provide that pursuant to the terms of the Agreement, eligible employees who have been granted permanent or continuing appointment at the campus at which they are currently employed, effective on or after July 2, 2011 and on or before January 1, 2013, or full-time employees who have been granted a second five-year appointment at the campus at which they are currently employed under Article XI, Title A of the Policies of the Board of Trustees, effective on or after July 2, 2011 and on or before January 1, 2013, or employees who have completed seven consecutive years of full-time service in Appendix C of the Agreement, Lecturer, or Appendix B of the Agreement, Section 4 – Division III Sports, effective on or before January 1, 2013, would receive a one-time advance to basic annual salary of \$500. Eligible employees who receive such appointments after January 1, 2013, would also be eligible to receive this one-time advance, in accordance with the terms of the Agreement.

Section 2, subd. 8 of the bill would also extend to part-time employees who have completed at least eight years of consecutive service at the campus at which they are currently employed on or after July 2, 2011, a lump sum payment in the amount of \$500, in accordance with the terms of the Agreement. Such employees would be eligible to receive this payment

every eight years thereafter of consecutive service at the campus at which they are currently employed.

Section 2, subd. 9 of the bill would provide that the basic annual salary minimums of members of the Unit as of June 30, 2014 and June 30, 2015, as set out in the Agreement, would be increased by 2% on the dates of the salary increases provided for in subdivisions 1 and 2 of this section. The increases as provided for in this subdivision would not apply to employees who are not paid on the basis of a basic annual salary, but they would apply on a prorated basis to certain part-time employees who are paid on the basis of a prorated basic annual salary.

Section 2, subd. 10 of the bill would provide that subdivisions 1 and 2 of this section would apply on a prorated basis to incumbents otherwise eligible to receive an increase in salary, but who are paid on an hourly or per diem basis, or who serve on a part-time basis or who are paid on any basis other than at an annual salary rate.

Section 2, subd. 11 of the bill would provide that the increases in salary or other payments provided by this section would not apply to employees deemed to be casual pursuant to a resolution of a prior legal action, extra service compensation, or compensation derived from clinical practice arrangements. Furthermore, this subdivision makes clear that nothing in section 2 would be deemed to provide any adjustment in salary or other compensation to employees holding a chair established pursuant to Education L. § 239.

Section 2, subd. 12 of the bill would provide for the continuation of the existing inconvenience pay program to eligible members of the Unit who work four or more hours between the hours of 6:00 p.m. and 6:00 a.m., in the amount of \$575 per year.

Section 2, subd. 13 of the bill would define the term "basic annual salary" for purposes of this section and provides that nothing therein prevents increasing amounts paid to incumbents in the Unit beyond basic annual salary, as long as certain conditions are met and certain reports are submitted.

Section 2, subd. 14 of the bill would provide that notwithstanding any of the increases provided for in this section, any increase in compensation may be withheld in whole or in part from an employee when, in the opinion of the Chancellor and the Director of Employee Relations, such increase is not warranted or is not appropriate.

Section 3, subd. 1 of the bill would provide that for each of the years 2013, 2014 and 2015, there would be an amount equal to 0.5% of the total of basic annual salaries of incumbents of positions in the professional service of the State University in bargaining unit 13 that are designated, stipulated, or excluded from negotiating units as managerial or confidential on June 30 of each year available in each of those three years for distribution to eligible incumbents as lump sum bonus payments by the State University Trustees, at their discretion. Such distributions would be subject to the approval of the Chancellor and would have to occur no later

than December 31 of each year. For the year 2016, there would be an amount equal to 1% of the total of basic annual salaries of such individuals on June 30 of that year, available for distribution to eligible incumbents as a lump sum bonus payment by the State University Trustees, at their discretion, subject to the approval of the chancellor with such distribution to occur no later than December 31 of that year.

Section 3, subd. 2 of the bill would provide a Chancellor's Power of SUNY Performance Incentive Payment in the amount of \$500 effective July 1, 2013, \$250 effective July 1, 2014, and \$500 effective July 1, 2015. Such amounts would be added to the base salary of such employees, and at the discretion of the Chancellor, not later than December 31 in each of the three years. In addition, such payments would be pro-rated for eligible part-time employees based on a formula established by the chancellor.

Section 3, subd. 3 of the bill would extend the provisions of subdivisions 1 and 2 of this section to certain employees of Cornell and Alfred Universities who are incumbents of positions in the institutions under the management of Cornell and Alfred Universities as representatives of the board of trustees of the State University that, in the opinion of the Director of Employee Relations, would be designated managerial or confidential were they subject to article 14 of the civil service law.

Section 4 of the bill would continue and slightly expand the eligibility for the existing recall compensation benefit for eligible members of the Unit, in accordance with the terms of the Agreement.

Section 5 of the bill would continue and slightly expand the eligibility for the existing on-call compensation benefit for eligible members of the Unit in accordance with the terms of the Agreement.

Section 6 of the bill would continue to provide that any employee serving in the Unit on a part-time basis and who is otherwise eligible to receive health insurance coverage may participate in the State health insurance program provided that such part-time employee pays the full premium cost for the coverage provided by the health insurance program.

Section 7 of the bill would continue certain Statewide joint labor management committees, with funding in the amounts provided for in the terms of the Agreement, for the period July 2, 2013 through July 1, 2016, as follows: the professional development committee, the employment committee; the safety and health committee; the affirmative action/diversity committee; the joint committee on health benefits; the technology committee; the redeployment committee, and the campus grants committee.

Section 8 of the bill would continue the publication of grievance arbitration settlements and awards.

Section 9 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 of New York and the employee organization representing employees in this Unit that also has been ratified by the applicable membership in accordance with the ratification procedures of the employee organization.

Section 10 of the bill would provide that notwithstanding any provision of law to the contrary, where, and to the extent that, the Agreement so provides, where an employee in this Unit is affected by the State's right to contract out, and in the event that such affected employee obtains employment with the contractor, the employee would not be barred from accepting such employment in accordance with the terms of the Agreement.

Section 11 of the bill would provide that, in accordance with the terms of the Agreement, the State of New York would contribute designated amounts for the period covered by such Agreement to the accounts of eligible employees who are enrolled for dependent care deductions pursuant to subdivision 7 of State Finance L. § 201-a.

Section 12 of the bill would fix the date upon which eligible members of the Unit would receive salary increases and deferred payment of salary increases called for by the Agreement between the parties.

Section 13 of the bill would provide a lump sum payment to incumbent members of the Unit to cover the difference between the salary that an employee would receive subsequent to the enactment of this bill and the salary that such employee did receive prior to the enactment of this bill.

Section 14 of the bill would provide for the use of appropriations to pay any amounts required by the provisions of this bill.

Section 15 of the bill would provide for the use of special or administrative funds of the State to pay the compensation required by the provisions of this bill.

Section 16 of the bill would provide that no employee participating in a special annuity program pursuant to the provisions of Article 8-C of the Education Law would, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which such employee would otherwise be entitled to by reason of participation in such program, and such salary adjustment would be based upon the salary of such employee without regard to the reduction authorized by the Education Law.

Section 17 of the bill would appropriate monies to pay for the non-personal services in this bill in accordance with the Agreement.

Existing Law:

L. 2008, c. 113 sets the current compensation system for members of the Unit, as well as other terms and conditions of employment addressed by the expired collective bargaining agreement. It also provides for compensation of members of the Unit at the contract colleges managed and controlled by Cornell and Alfred Universities. L. 2011, c. 491, Part B, § 5 establishes current compensation for incumbents of positions in the professional service of the State University that are designated, stipulated, or excluded from negotiating units as managerial or confidential and for certain employees of contract colleges at Cornell and Alfred Universities.

Statement in Support:

This bill is necessary to implement the terms of a collective bargaining agreement between the Executive Branch of the State of New York and the United University Professions, the employee organization certified to represent members of the Unit, which was entered into pursuant to Article 14 of the Civil Service Law.

Budget Implications:

This bill would provide appropriations totaling approximately \$3,357,000 to pay for the cost of the Agreement for the period July 2, 2011 through July 1, 2016.

Effective Date:

This bill would take effect immediately and would be deemed to have been in full force and effect on and after July 2, 2011.