

PROGRAM BILL # 15

GOVERNOR'S PROGRAM BILL

2013

MEMORANDUM

AN ACT implementing an agreement between the state and an employee organization; providing for the adjustment of salaries or hourly rates of certain incumbents in the professional services negotiating unit; 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 those members of the collective negotiating unit designated as the Professional Services Negotiating Unit ("the Unit"), that are in lifeguard titles, and who are in positions designated as part of bargaining unit 68, entered into pursuant to Article 14 of the Civil Service Law.

Summary of Provisions:

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

Section 2, subd. 1 of the bill provides that the adjustment to salaries and hourly rates and other compensation shall apply to eligible unit members that are in lifeguard titles and who are in positions designated as part of bargaining unit 68.

Section 2, subd. 2 of the bill provides for the following increases to the salary or hourly rate of certain eligible unit members: two and one-half percent effective April 1, 2004; two and three-quarters percent effective April 1, 2005; three percent effective April 1, 2006; three percent effective April 1, 2007; three percent effective April 1, 2008; three percent effective April 1, 2009; and four percent effective April 1, 2010. Subdivision 2, at paragraph (h), also provides that to be eligible for the retroactive increases, an eligible unit member must have been in employment status on the effective date of the salary or hourly rate increase or employed during a season that commences during the fiscal year that includes the effective date of a salary or hourly rate increase, and must have been in employment status on April 1, 2013 or during a season that commences in the fiscal year that includes April 1, 2013.

Section 2, subd. 3 of the bill provides for the following increases to the salary or hourly rate of certain eligible unit members: two percent effective April 1, 2014; and two percent effective April 1, 2015. Subdivision 3 also provides that the salary or hourly rate increases on April 1, 2014 shall not be payable until the Director of the Governor's Office of Employee Relations ("GOER") notifies the Director of the Budget that the State and the employee

organization representing eligible unit members have reached an agreement on issues of mutual concern included in the "Joint Meeting Minutes between Long Island State Park and Recreation Commission and the Jones Beach Lifeguard Corp" and any other labor-management agreements between the State and the parties concerning the Jones Beach Lifeguard Corp, in accordance with the terms of the Agreement.

Section 2, subd. 4 of the bill provides that in accordance with the terms of the Agreement, certain eligible unit members who work at least 160 hours during the season (at least 20 days) shall be entitled to additional compensation at their hourly rate, up to a maximum of eight hours, for time worked on each of the first three days during their employment in any seasonal period (April 1 to September 30 or October 1 to March 31) which are observed as holidays by the State. Such compensation shall be paid retroactively upon completion of five weeks of work.

Section 2, subd. 5 of the bill provides that notwithstanding any of the increases provided for in section 2, any increase in compensation may be withheld in whole or in part from an employee when, in the opinion of the Director of GOER and the Director of the Budget, such increase is not warranted or is not appropriate.

Section 3 of the bill would continue the publication of grievance arbitration settlements and awards.

Section 4 of the bill would provide that the salary increases and benefit modifications provided herein for applicable members of the Unit shall 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, if any, applicable to eligible unit members.

Section 5 of the bill would provide that, in accordance with the terms of the Agreement, the State shall 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 Section 201-a of the State Finance Law.

Section 6 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 7 of the bill would provide a lump sum payment to certain incumbent members of the Unit to cover the difference between the compensation such employee would receive subsequent to the enactment of this act versus the compensation that such employee did receive prior to the enactment of this act.

Section 8 of the bill would provide for the use of appropriations to pay any amounts

required by the provisions of this bill.

Section 9 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 10 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 shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary or hourly adjustment to which such employee would otherwise be entitled to by reason of participation in such program, and such salary or hourly adjustment shall be based upon the salary or hourly rate of such employee without regard to the reduction authorized by the Education Law.

Section 11 of the bill would authorize and direct the Comptroller, at the request of the Director of the Budget and in accordance with section 4 of the State Finance Law, to transfer up to \$282,000 from the general fund to the environmental conservation fund (301) to carry out the provisions of section 13 of this act.

Section 12 of the bill would authorize and direct the Comptroller, at the request of the Director of the Budget and in accordance with section 4 of the State Finance Law, to transfer up to \$2,769,000 from the general fund to the special revenue fund (339) to carry out the provisions of section 13 of this act.

Section 13 of the bill would appropriate monies to pay for the personal and non-personal services in this bill, in accordance with the Agreement.

Existing Law:

L. 2000, c. 72 establishes the current compensation system for members of this Unit.

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 that represents employees in the various lifeguard titles that are a part of the Professional Services Negotiating Unit, which was entered into pursuant to Article 14 of the Civil Service Law.

Budget Implications:

This bill would provide appropriations totaling approximately \$8,457,000 million (General Fund of approximately \$5,294,000 million) to pay for the cost of the Agreement during the period April 1, 2003 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 April 1, 2003.