

# PROGRAM BILL # 15

S. \_\_\_\_\_  
Senate  
\_\_\_\_\_

IN SENATE--Introduced by Sen

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

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

### \*LABO\*

(Relates to implementing an agree-  
ment between the state and an  
employee organization; providing for  
the adjustment of salaries or hourly  
rates of certain incumbents in the  
professional services negotiating  
un)

adjust of salaries or hourly rate

### AN ACT

implementing an agreement between  
the state and an employee organiza-  
tion; providing for the adjustment  
of salaries or hourly rates of  
certain incumbents in the profes-  
sional services negotiating unit;  
and making an appropriation therefor

## IN SENATE

Senate introducer's signature

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

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

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

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).

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

1 Section 1. Definitions. 1. For purposes of this act, "eligible unit  
2 members" means those members of the collective negotiating unit desig-  
3 nated as the professional services negotiating unit established pursuant  
4 to article 14 of the civil service law that are in lifeguard titles and  
5 who are in positions designated as part of bargaining unit 68.

6 2. For purposes of this act, "the agreement" means a collectively  
7 negotiated agreement entered into in 2013 between the state and the  
8 employee organization representing eligible unit members of the profes-  
9 sional services negotiating unit as designated in subdivision 1 of this  
10 section.

11 3. For purposes of this act, "the employee organization" means the  
12 employee organization representing members of the professional services  
13 negotiating unit.

14 § 2. Adjustment to salaries and hourly rates and other compensation of  
15 certain eligible unit members in the professional services negotiating  
16 unit.

17 1. The provisions of this section shall apply to certain eligible unit  
18 members in the professional services negotiating unit that are in life-  
19 guard titles and who are in positions designated as part of bargaining  
20 unit 68.

21 2. Percentage increases applicable to certain eligible unit members  
22 prior to March 31, 2011.

23 (a) Effective April 1, 2004, the salary or hourly rate of certain  
24 eligible unit members shall increase by two and one-half percent.

25 (b) Effective April 1, 2005, the salary or hourly rate of certain  
26 eligible unit members shall increase by two and three-quarters percent.

27 (c) Effective April 1, 2006, the salary or hourly rate of certain  
28 eligible unit members shall increase by three percent.

1 (d) Effective April 1, 2007, the salary or hourly rate of certain  
2 eligible unit members shall increase by three percent.

3 (e) Effective April 1, 2008, the salary or hourly rate of certain  
4 eligible unit members shall increase by three percent.

5 (f) Effective April 1, 2009, the salary or hourly rate of certain  
6 eligible unit members shall increase by three percent.

7 (g) Effective April 1, 2010, the salary or hourly rate of certain  
8 eligible unit members shall increase by four percent.

9 (h) To be eligible for the retroactive increases set forth in para-  
10 graphs (a) through (g) of this subdivision, an eligible unit member (i)  
11 must have been in employment status on the effective date of the salary  
12 or hourly rate increase or employed during a season that commences  
13 during the fiscal year that includes such salary or hourly rate  
14 increase, and (ii) must have been in employment status on April 1, 2013  
15 or during a season that commences in the fiscal year that includes April  
16 1, 2013.

17 3. Percentage increases applicable to certain eligible unit members  
18 after March 31, 2011.

19 (a) Effective April 1, 2014, the salary or hourly rate of certain  
20 eligible unit members shall increase by two percent.

21 (b) Effective April 1, 2015, the salary or hourly rate of certain  
22 eligible unit members shall increase by two percent.

23 (c) The salary or hourly rate increases set forth in paragraph (a) of  
24 this subdivision shall not be payable until the director of employee  
25 relations notifies the director of the budget that the state and the  
26 employee organization representing eligible unit members have reached an  
27 agreement on issues of mutual concern included in the "Joint Meeting  
28 Minutes between Long Island State Park and Recreation Commission and the

1 Jones Beach Lifeguard Corp" and any other labor-management agreements  
2 between the state and the parties concerning the Jones Beach Lifeguard  
3 Corp, in accordance with the terms of the agreement.

4 4. In accordance with the terms of the agreement, certain eligible  
5 unit members who work at least 160 hours during the season (at least 20  
6 days) shall be entitled to additional compensation at their hourly rate,  
7 up to a maximum of eight hours, for time worked on each of the first  
8 three days during their employment in any seasonal period (April 1 to  
9 September 30 or October 1 to March 31) which are observed as holidays by  
10 the state. Such compensation shall be paid retroactively upon completion  
11 of five weeks of work.

12 5. Notwithstanding any of the foregoing provisions of this section,  
13 any increase in compensation may be withheld in whole or in part from  
14 any employee to whom the provisions of this section are applicable when,  
15 in the opinion of the director of employee relations and the director of  
16 the budget, such increase is not warranted or is not appropriate.

17 § 3. Notwithstanding any provision of law to the contrary, the appro-  
18 priations contained in this act shall be available to the state for the  
19 payment of grievance and arbitration settlements and awards pursuant to  
20 article 7 of the agreement between the state and the employee organiza-  
21 tion that covers members of the professional services negotiating unit.

22 § 4. The salary or hourly increases and benefit modifications, and any  
23 other modifications to the terms and conditions of employment provided  
24 for by this act for eligible unit members in the professional services  
25 negotiating unit, shall not be implemented until the director of employ-  
26 ee relations has delivered, to the director of the budget and the comp-  
27 troller, a certificate that there is in effect with respect to such  
28 negotiating unit a collectively negotiated agreement which provides for

1 such increases and modifications and which is fully executed in writing  
2 with the state pursuant to article 14 of the civil service law, and  
3 ratified pursuant to the ratification procedure, if any, applicable to  
4 eligible unit members.

5 § 5. Notwithstanding any inconsistent provision of law, where and to  
6 the extent that any agreement between the state and the employee organ-  
7 ization entered into pursuant to article 14 of the civil service law so  
8 provides on behalf of certain employees in the professional services  
9 negotiating unit, effective January 1, 2014, the state shall contribute  
10 an amount designated in such agreement and for the period covered by  
11 such agreement to the accounts of such eligible employees enrolled for  
12 dependent care deductions pursuant to subdivision 7 of section 201-a of  
13 the state finance law. Such amounts shall not be counted as compensation  
14 for overtime or retirement purposes.

15 § 6. Date of entitlement to salary or hourly increase. Notwithstanding  
16 the provisions of this act or of any other law, the increase in compen-  
17 sation of any officer or employee provided by this act shall be added to  
18 the compensation of such officer or employee at the beginning of that  
19 payroll period the first day of which is nearest to the effective date  
20 of such increase as provided in this act, or at the beginning of the  
21 earlier of two payroll periods the first days of which are nearest but  
22 equally near to the effective date of such increase as provided in this  
23 act, provided, however, that for the purposes of determining the salary  
24 of such officer or employee upon reclassification, reallocation,  
25 appointment, promotion, transfer, demotion, reinstatement or other  
26 change of status, such salary or hourly rate increase shall be deemed to  
27 be effective on the date thereof as prescribed in this act, and the  
28 payment thereof pursuant to this section on a date prior thereto,

1 instead of on such effective date, and shall not operate to confer any  
2 additional salary rights or benefits on such officer or employee.  
3 Payment of such salary or hourly increase may be deferred pursuant to  
4 section seven of this act.

5 § 7. Deferred payment of salary or hourly increase. Notwithstanding  
6 the provisions of any other section of this act or of any other law,  
7 pending payment pursuant to this act of the compensation due to eligible  
8 unit members subject to this act, such members shall receive, as partial  
9 compensation for services rendered, the rate of compensation otherwise  
10 payable in their respective positions. An eligible unit member holding a  
11 position subject to this act at any time during the period from the  
12 effective dates of the salary or hourly increases provided for in this  
13 act until the time when compensation due to eligible unit members is  
14 first paid pursuant to this act for such services in excess of the  
15 compensation actually received therefor, shall be entitled to a lump sum  
16 payment for the difference between the salary or hourly rate to which  
17 such eligible unit member is entitled for such services and the compen-  
18 sation actually received therefor. Such lump sum payments shall be made  
19 as soon as practicable. The amounts paid under this act shall count as  
20 compensation earned during the year or years for which it is calculated  
21 and not as compensation earned wholly in the year in which it is paid.  
22 Notwithstanding any law, rule or regulation to the contrary, no member  
23 of the professional services negotiating unit to whom the provisions of  
24 this act apply shall be entitled to, or owed, any interest or other  
25 penalty for any reason on any monies due to such member pursuant to the  
26 terms of this act and the terms of the agreement covering certain  
27 employees in the professional services negotiating unit.

1 § 8. Use of appropriations. The comptroller is authorized to pay any  
2 amounts required during the fiscal year commencing April 1, 2013, by the  
3 provisions of this act for any state department or agency from any  
4 appropriation or other funds available to such state department or agen-  
5 cy for personal service or for other related employee benefits during  
6 such fiscal year. To the extent that such appropriations are insuffi-  
7 cient in any fund to accomplish the purposes herein set forth, the  
8 director of the budget is authorized to allocate to the various depart-  
9 ments and agencies, from any appropriations available in any fund, the  
10 amounts necessary to pay such amounts. The aforementioned appropriations  
11 shall be available for payment of any liabilities or obligations  
12 incurred prior to April 1, 2013 in addition to current liabilities.

13 § 9. Payment from special or administrative funds. If the compensation  
14 to which officers and employees of the state are otherwise entitled is  
15 payable from a special or administrative fund or funds of the state,  
16 other than the general fund or the capital projects fund of the state,  
17 the increase in compensation to which such officers or employees are  
18 entitled under this act shall be payable from such other fund or funds  
19 in the same manner as such other compensation. If the amounts appropri-  
20 ated or allocable from such other fund or funds are insufficient to  
21 accomplish the purposes of this act, the director of the budget is here-  
22 by authorized to allocate such additional sums from such other fund or  
23 funds as may be necessary therefor.

24 § 10. Effect of participation in special annuity program. No employee  
25 participating in a special annuity program pursuant to the provisions of  
26 article 8-C of the education law shall, by reason of an increase in  
27 compensation pursuant to this act, suffer any reduction of the salary or  
28 hourly adjustment to which such officer or employee would otherwise be

1 entitled by reason of participation in such program, and such salary or  
2 hourly adjustment shall be based upon the salary or hourly rate of such  
3 officer or employee without regard to the reduction authorized by said  
4 article.

5 § 11. Notwithstanding any law to the contrary, and in accordance with  
6 section 4 of the state finance law, upon request of the director of the  
7 budget, the comptroller is hereby authorized and directed to transfer up  
8 to \$282,000 from the general fund to the environmental conservation fund  
9 (301) to carry out the provisions of section thirteen of this act.

10 § 12. Notwithstanding any law to the contrary, and in accordance with  
11 section 4 of the state finance law, upon request of the director of the  
12 budget, the comptroller is hereby authorized and directed to transfer up  
13 to \$2,769,000 from the general fund to the special revenue fund (339),  
14 subfund 22163, to carry out the provisions of section thirteen of this  
15 act.

16 § 13. Appropriations. Notwithstanding any provision of the state  
17 finance law or any other provision of law to the contrary, the several  
18 amounts as hereinafter set forth, or so much thereof as may be neces-  
19 sary, are hereby appropriated from the fund so designated for use by any  
20 state department or agency, for the fiscal year beginning April 1, 2013,  
21 to supplement appropriations available for fringe benefits, and to carry  
22 out the provisions of this act. The monies hereby appropriated are  
23 available for payment of any liabilities or obligations incurred prior  
24 to April 1, 2013 in addition to liabilities or obligations associated  
25 with the fiscal year commencing April 1, 2013. No money shall be avail-  
26 able for expenditure from this appropriation until a certificate of  
27 approval of availability has been issued by the director of the budget  
28 and a copy of such certificate or any amendment thereto has been filed

1 with the state comptroller, the chair of the senate finance committee  
 2 and the chair of the assembly ways and means committee.

3 ALL STATE DEPARTMENTS AND AGENCIES

4 General Fund / State Operations

5 State Purposes Account 003

6 PERSONAL SERVICE

7 Personal service - regular ..... 4,714,000

8 NONPERSONAL SERVICES

9 Fringe Benefits ..... 580,000

10 Special Revenue Funds - Other

11 Environmental Conservation Special Revenue Fund - 301

12 PERSONAL SERVICE

13 Personal service - regular ..... 254,000

14 NONPERSONAL SERVICE

15 Fringe Benefits ..... 28,000

16 Special Revenue Funds - Other

