

2016

MEMORANDUM

AN ACT to amend the executive law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the state finance law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the executive law, in relation to salary schedules for such members of such unit; in relation to implementing an agreement covering such members of such unit and in relation to the employee benefit fund for members of such unit; making an appropriation therefor; and to repeal certain provisions of such laws relating thereto

Purpose:

This bill would implement the provisions of a collective bargaining agreement between the Executive Branch of the State of New York and the employee organization which represents members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the Division of State Police (hereinafter "members of the BCI unit").

Summary of Provisions:

Section 1 of this bill would repeal Exec. Law § 216(2)(a) and replace it with a new salary schedule for members of the BCI unit. The new salary schedules include a 2 percent increase, effective April 1, 2014; a 2 percent increase, effective April 1, 2015; a 1.5 percent increase, effective April 1, 2016; and a 1.5 percent increase effective April 1, 2017.

Section 2 of the bill would repeal State Fin. Law § 207-b(2)(b) and replace it with a new paragraph that continues payments to the Employee Benefit Fund for members of the BCI unit.

Section 3 of the bill would repeal Exec. Law § 216-c(2) and replace it with a new subdivision that continues holiday payments, increasing such payments by the same percentage increases as the basic annual salaries in section 1 of this bill.

Section 4 of the bill would continue the committee on health benefits and fund such committee as follows: \$5,100 for the period April 1, 2014 to March 31, 2015; \$5,202 for the period April 1, 2015 to March 31, 2016; \$5,280 for the period April 1, 2016 to March 31, 2017; and \$5,359 for the period April 1, 2017 to March 31, 2018.

Section 5 of the bill would provide an increase in the maintenance allowance for members of the BCI unit, increasing such allowance by the same percentage increases as the basic annual salaries in section 1 of this bill. The amounts are as follows: \$3,225 for the period April 1, 2014 to March 31, 2015; \$3,290 for the period April 1, 2015 to March 31, 2016; \$3,339 for the period April 1, 2016 to March 31, 2017; and \$3,389 for the period April 1, 2017 to March 31, 2018.

Section 6 of the bill would continue expertise pay for members of the BCI unit in the amount of \$1,200 during the period April 1, 2010 through March 31, 2014. Effective April 1, 2014, the annual payment will increase to \$2,450. Pursuant to the collective bargaining agreement, the entire increase of \$1,250 covering April 1, 2011 to March 31, 2014 is only payable on a prospective basis commencing with the scheduled December 2014 payment. There will be no retroactive payment of the increases to this payment for the period April 1, 2011 to March 31, 2014 under any circumstances.

Section 7 of the bill would continue funding the professional development and quality of working life committee as follows: \$83,538 for the period April 1, 2014 to March 31, 2015; \$85,209 for the period April 1, 2015 to March 31, 2016; \$86,487 for the period April 1, 2016 to March 31, 2017; \$87,784 for the period April 1, 2017 to March 31, 2018 to support the tuition reimbursement program, the master's program, and the employee assistance program will be supported.

Section 8 of the bill would continue the payment of expanded duty pay in the amount of \$7,452 during the period April 1, 2010 through March 31, 2014 for members of the BCI unit. Effective April 1, 2014, the annual payment will increase to \$8,702. Pursuant to the collective bargaining agreement, the entire increase of \$1,250 covering April 1, 2011 to March 31, 2014 is only payable on a prospective basis commencing April 1, 2014. There will be no retroactive payment of the increases to this payment for the period April 1, 2011 to March 31, 2014 under any circumstances.

Section 9 of the bill would continue supervisory responsibility pay in accordance with the terms of both an interest arbitration award dated February 4, 2005, issued pursuant to Civ. Serv. Law § 209(4), and the recently negotiated agreement for members of the BCI unit designated as "Unit Coordinators", "Acting Senior Investigators" or "Acting Administrative Senior Investigators."

Section 10 of the bill would continue the location pay benefit of \$200 for members of the BCI unit whose official workstation is Monroe County and the location pay benefit provided to members whose official workstation is in New York City, or in the counties of Rockland, Westchester, Nassau or Suffolk at the April 1, 2010 rate.

Section 11 of the bill would continue the supplemental location pay benefit at the April 1, 2010 rate.

Section 12 of the bill would continue lump sum payments for unused sick leave at retirement. Effective April 1, 1998, unused sick days will be cashed out according to the following formula: the number of accumulated and unused sick days, not to exceed 300, will be reduced by 165 with the result being multiplied by the member's daily rate of pay. The lump sum payable will be equal to one-fifth of such amount.

Section 13 of the bill would continue the committee to study and assess physical fitness standards for members of the BCI unit and transfer certain funds appropriated for the physical fitness program to an employee benefit fund. Effective April 1, 2018, the Division of State Police and the employee organization representing such unit may agree to expend the funds appropriated on an annual basis for the physical fitness program for a mutually agreeable alternate purpose.

Section 14 of the bill would continue a payment to members of the BCI unit who possess or obtain a recognized degree. Such members will continue to receive a lump sum payment of \$250 for an Associate's Degree, \$500 for a Bachelor's Degree, and \$750 for a graduate degree.

Section 15 would implement a payment of thirty dollars (\$30) for members of the BCI unit who are required to work short swings defined as when there are eight (8) hours or less between the scheduled end time of a member's tour of duty and the start time of the next scheduled tour of duty.

Section 16 would implement revised recall overtime provisions for members of the unit consistent with the terms of the collective bargaining agreement.

Section 17 of the bill would provide that appropriations contained therein will be available to the state for the payment and publication of grievance arbitration settlements and awards.

Section 18 of the bill provides that the compensation and benefit modifications provided by this bill will not be implemented until the Director of Employee Relations delivers a letter certifying that there is a collective bargaining agreement in effect with respect to such collective negotiating unit to the Director of the Budget and the State Comptroller. The collective bargaining agreement must provide for such modifications and be fully executed in writing pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure of the employee organization certified pursuant to article 14 of the civil service law to represent such collective negotiating unit.

Section 19 would provide the date on which members of the BCI unit would be entitled to the salary increases provided by this bill.

Section 20 of the bill would provide that until payment is made pursuant to this bill, members of the BCI unit will receive payment otherwise payable in their respective positions. When basic annual salaries are first paid pursuant to this bill, such members will be entitled to a

lump sum payment for the difference between the salaries to which they were entitled since April 1, 2011 and the compensation actually received.

Section 21 of the bill would authorize the State Comptroller to pay any amounts required by the bill. To the extent that existing appropriations available to any state department or agency are insufficient to accomplish the purposes set forth in this section, the Director of the Budget would be authorized to allocate to the various departments and agencies the amounts necessary to make such payments.

Section 22 of the bill would appropriate monies to pay for personal services, other than personal services, and fringe benefits, and to carry out the provisions of this act.

Section 23 of the bill make the bill effective immediately, provided that the Director of Employee Relations certifies that there is in effect with respect to the negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police a collective bargaining agreement which provides for the compensation and benefit modifications in this act, and would be deemed to have been in full force and effect on and after April 1, 2011.

Statement in Support:

Enactment of this bill is necessary to implement the terms of a collective bargaining agreement negotiated between the Executive Branch of the State of New York and the employee organization representing members of the BCI unit.

Budget Implications:

This bill would provide appropriations totaling approximately \$29 million to pay for the cost of the agreement during the period April 1, 2011 to March 31, 2017.

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, 2011, provided that the Director of Employee Relations certifies that there is a collective bargaining agreement in effect with respect to the negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, which provides for the compensation and benefit modifications in this bill.