

# PROGRAM BILL #10

## GOVERNOR'S PROGRAM BILL

2022

AN ACT to amend the civil service law, the state finance law and the retirement and social security law, in relation to compensation, benefits and other terms and conditions of employment for members of the collective negotiating unit designated as the agency police services unit; to implement an agreement between the state of New York and the employee organization representing members of the collective negotiating unit designated as the agency police services unit; making an appropriation therefor; and to repeal certain provisions of the civil service law relating thereto (Part A); and to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment for members of the District Council 37 Rent Regulation Services Unit; to implement a collective bargaining agreement between the state of New York and the District Council 37 Rent Regulation Services Unit; making an appropriation therefor; and to repeal certain provisions of such law relating thereto (Part B)

### **PURPOSE:**

Part A of this bill would implement the terms of an agreement entered into pursuant to Article 14 of the Civil Service Law (the "Agreement") between the executive branch of the State of New York ("State") and the employee organization which represents members of the collective negotiating unit designated as the Agency Police Services Unit ("APSU").

Part B of this bill would implement the terms of an agreement entered into pursuant to Article 14 of the Civil Service Law (the "Agreement") between the executive branch of the State of New York ("State") and the employee organization which represents members of the collective negotiating unit designated as the Rent Regulation Services Unit (the "RRSU").

### **SUMMARY OF PROVISIONS:**

#### **Part A of the Bill**

Section 1 of Part A of the bill would repeal paragraph h of subdivision 1 of Civil Service Law Section 130, as added by chapter 55 of the laws of 2021, and replace it with a new paragraph h to provide for the application of new salary schedules to all members of the APSU. The new salary schedules include a 2 percent increase in basic annual salary effective April 1, 2019; April 1, 2020; April 1, 2021, and April 1, 2022.

Section 2 of Part A of the bill would amend subdivision 2 of State Finance Law Section 207-d to provide for the continuation of employer payments to an employee benefit fund established by the union for members of the APSU, pursuant to the terms of the Agreement.

Sections 3 and 4 of Part A of the bill would amend sections 41 and 341 of the retirement and social security law to provide for additional service credit for up to 200 unused sick leave days consistent with the terms of the agreements that such employees were covered under prior to their inclusion in the APSU.

Section 5 of Part A of the bill would provide for increases in basic annual salary for covered members of the APSU of two percent effective April 1, 2019, 2020, 2021 and 2022. This section provides that these increases will be paid on a pro-rated basis to otherwise eligible officers and employees who are paid on an hourly or per diem basis or serving on a part-time or seasonal basis. It further authorizes performance advance payments to covered members of the APSU in graded positions pursuant to the terms of the Agreement and Civil Service Law Section 131(6), and to non-statutory employees as authorized by the Director of the Budget. This section also authorizes eligible APSU members to receive longevity payments. Finally, this section specifies that any increase in compensation may be withheld when, in the opinion of the Director of the Budget and the Director of Employee Relations, such increase is not warranted or appropriate.

Section 6 of Part A of the bill would provide all members of the APSU with additional pay for assembling for briefing prior to the commencement of duties ("pre-shift briefing") in accordance with the terms of the Agreement.

Paragraph 1 of section 6 would continue to provide all members of the APSU with additional compensation in recognition of the pre-shift briefing pursuant to subdivision 5 of section 134 of the Civil Service Law.

Paragraph 2 of section 6 would continue to provide for the equivalent of the additional compensation provided for in paragraph 1 to members of the APSU employed by the Department of Environmental Conservation who do not physically line-up for pre-shift briefing -- such members of the APSU shall receive additional compensation for vehicle, equipment, office maintenance, and the handling of phone calls and home visitations received and initiated outside of the regular workday. This paragraph also continues to provide those members of the APSU who are in non-pay status for the day do not receive such pre-shift briefing compensation.

Paragraph 3 of section 6 would provide that compensation for pre-shift briefing is excluded from the calculation of overtime but would be included for retirement purposes.

Section 7 of Part A of the bill would continue to provide eligible members of the APSU classified as investigators or detectives with a clothing allowance, consistent with the terms of the Agreement or Award.

Section 8 of Part A of the bill would continue location pay to eligible members of the APSU and increase those amounts by 2% starting in 2020 consistent with the terms of the Agreement.

Section 9 of Part A of the bill would continue supplemental location pay to eligible members of the APSU and increase those amounts by 2% starting in 2020 consistent with the terms of the Agreement.

Section 10 of Part A of the bill would continue and, effective April 1, 2022, increase expanded duty pay to members of the APSU, consistent with the terms of the Agreement. This section would also delay the commencement of such payment for employees starting in the first academy class after ratification of the collective bargaining agreement until the beginning of the first pay period following an employee's one year anniversary of employment, consistent with the terms of the Agreement.

Section 11 of Part A of the bill would continue the marine/off road enforcement pay for members of the APSU employed by the Office of Parks, Recreation, and Historic Preservation or Department of Environmental Conservation. This section would also delay the commencement of such payment for employees starting in the first academy class after ratification of the collective bargaining agreement until the beginning of the first pay period following an employee's one year anniversary of employment, consistent with the terms of the Agreement.

Section 12 of Part A of the bill would continue the hazardous material pay and hazardous material/fire management/search and rescue pay for eligible members of the APSU employed by the Department of Environmental Conservation. This section would also delay the commencement of such payment for employees starting in the first academy class after ratification of the collective bargaining agreement until the beginning of the first pay period following an employee's one year anniversary of employment, consistent with the terms of the Agreement.

Section 13 of Part A of the bill would eliminate the two-hundred-dollar payment for new employees upon the completion of their initial training.

Section 14 of Part A of the bill would provide for the payment of a service pay upon fifteen years of service in the APSU, or predecessor units, in the amount of \$1,200 effective April 1, 2021.

Section 15 of Part A of the bill would continue the existing inconvenience pay program to the eligible members of the APSU who work four hours or more between the hours of 6:00 p.m. and 6:00 a.m.

Section 16 of Part A of the bill would provide for the continuation and administration of a statewide joint labor-management committee to study and make recommendations concerning major issues of employee assistance, performance evaluation, education and training, quality of work life and health benefits.

Section 17 of Part A of the bill would continue the publication of grievance arbitration settlements and awards.

Section 18 of Part A of the bill would continue to exempt the salaries of newly hired APSU members from the imposition of "deferred payment," pursuant to subdivision 2-a of section 200 of the State Finance Law.

Section 19 of Part A of the bill would provide that salary increases, pursuant to this bill, shall be effective on the first day of the first pay period nearest to the effective date of any such salary increase.

Section 20 of Part A of the bill establishes that eligible members of the APSU should receive salary increases and deferred payment of salary increases called for by the Agreement between the parties.

Section 21 of Part A of the bill would provide for the use of appropriations to pay any amounts required by the provisions of this bill.

Sections 22 and 23 of Part A of the bill would appropriate monies to pay for the personal service, non-personal service and labor management committee costs associated with this bill in accordance with the Agreement.

Section 24 of Part A of the bill would provide that Part A of the bill take effect immediately and would be deemed to have been in full force and effect on and after April 1, 2019.

**Part B of the Bill:**

Section 1 of Part B of the bill would repeal subparagraphs 1, 2, 3, 4 and 5 of Civil Service Law Section 130(1)(e) and replace them with new subparagraphs 1 and 2 to provide for the application of new salary schedules for officers and employees in the RRSU for the period April 2, 2021, to April 1, 2023.

Section 2 of Part B of the bill would provide for increases in basic annual salary for covered members of the RRSU of two percent effective April 1, 2021, and April 6, 2022. This section provides that these increases will be paid on a pro-rated basis to otherwise eligible officers and employees who are paid on an hourly or per diem basis or serving on a part-time or seasonal basis. It further authorizes performance advance payments to covered members of the RRSU in graded positions pursuant to the terms of the Agreement and Civil Service Law Section 131(6), and to non-statutory employees as authorized by the Director of the Budget. Finally, this section specifies that any increase in compensation may be withheld when, in the opinion of the Director of the Budget and the Director of Employee Relations, such increase is not warranted or appropriate.

Section 3 of Part B of the bill would continue existing location compensation for employees whose principal place of employment is located in New York City or the counties of Rockland, Westchester, Nassau and Suffolk at the annual rate of \$3,026.

Section 4 of Part B of the bill would authorize contributions to employee dependent care advantage accounts in amounts and for the time periods specified by the Agreement.

Section 5 of Part B of the bill would provide for the payment and publication of grievance and arbitration settlements and awards pursuant to the Agreement.

Section 6 of Part B of the bill would provide that labor-management committees, created, continued and administered pursuant to the terms of the Agreement, shall have responsibility for discussing and attempting to resolve matters of mutual concern and implementing any agreements reached.

Section 7 of Part B of the bill would require that, prior to any salary increase, benefit modification or any other modification to terms and conditions of employment provided by this bill, the Director of Employee Relations must submit a letter to the Director of the Budget and the State Comptroller certifying that the collectively negotiated agreement has been ratified by the membership.

Section 8 of Part B of the bill would authorize the State Comptroller to pay any amounts required by this bill during the fiscal year commencing April 1, 2022, for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund are insufficient, the Director of the Budget is authorized to allocate to the various department and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

Section 9 of Part B of the bill would provide those employees who participate in a special annuity program under Article 8-C of the Education Law shall not suffer any reduction of the salary adjustment to which they are otherwise entitled under the program, as a result of an increase in compensation provided for in this bill.

Section 10 of Part B of the bill would authorize a lump sum payment for retroactive salary increases and compensation modifications deemed in effect on the payroll closest to April 1, 2021.

Sections 11 and 12 of Part B of the bill would appropriate funding for the personal service, non-personal service and labor-management committee costs associated with this bill in accordance with the terms of the Agreement.

Section 13 of Part B of the bill would provide for an immediate effective date of this act, which shall be deemed to have been in full force and effect on and after April 2, 2021. Appropriations made by this chapter shall remain in full force and effect for liabilities incurred through March 31, 2023.

**EXISTING LAW:**

The last pay bill for the APSU, covering the period April 1, 2015 to March 31, 2019 was enacted by Chapter 55, Part VV of the Laws of 2021.

The last pay bill for the RRSU, covering the period April 2, 2016 to April 1, 2021, was enacted by Chapter 76 of the Laws of 2018.

**STATEMENT IN SUPPORT:**

Part A of the bill is necessary to implement the terms of a collective bargaining agreement between the executive branch of the State of New York and the Police Benevolent Association of New York State, Inc., the employee organization certified to represent members of the APSU, which was entered into pursuant to Article 14 of the Civil Service Law which has been ratified by the membership and covers the period April 1, 2019 to March 31, 2023.

Part B of the bill is necessary to implement the terms of a collective bargaining agreement between the executive branch of the State of New York and District Council 37, the employee organization certified to represent members of the RRSU, which was entered into pursuant to Article 14 of the Civil Service Law which has been ratified by the membership and covers the period April 2, 2021, to April 1, 2023.

**BUDGET IMPLICATIONS:**

Part A of the bill would provide appropriations totaling approximately \$34.6 million to pay for the cost of the agreement during the period April 1, 2019, to March 31, 2023.

Part B of the bill would provide appropriations totaling approximately \$3.3 million to pay for the cost of the agreement during the period April 2, 2021, to April 1, 2023.

**EFFECTIVE DATE:**

Part A of the bill would take effect immediately and would be deemed to have been in full force and effect on and after April 1, 2019.

Part B of the bill would take effect immediately and would be deemed to have been in full force and effect on and after April 2, 2021.