

GOVERNOR'S PROGRAM BILL

2023

MEMORANDUM IN SUPPORT

TITLE OF BILL:

An act to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of certain state officers and employees; to implement agreements between the state and an employee organization; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the civil service law relating thereto (Part A); and to amend the civil service law and the correction law, in relation to salaries of certain state officers and employees excluded from collective negotiating units; to repeal certain provisions of the civil service law and the correction law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof (Part B)

PURPOSE:

Part A of this bill would implement the terms of a collective bargaining agreement ("the Agreement"), entered into pursuant to Article 14 of the Civil Service Law ("CSL"), 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, Scientific and Technical Services Unit ("PS&T Unit").

Part B of this bill would provide the State's unrepresented employees who are prohibited from collective bargaining negotiations by the Taylor Law, including managerial or confidential ("M/C") employees, with benefits and increases in compensation during the period April 1, 2023 through March 31, 2026. This bill would supplement existing appropriations to provide benefits and other aspects of employment.

SUMMARY OF PROVISIONS:

Part A of the Bill:

Section 1 of this part would repeal subparagraphs 1, 2, 3 and 4 of CSL § 130(1)(c) and replace it with new subparagraphs 1, 2 and 3 to provide new salary schedules for officers and employees in the PS&T Unit for the period April 2, 2023 to April 1, 2026.

Section 2 of this part would provide for a dental allowance consistent with the terms of the agreement.

Section 3 of this part would provide for increases in compensation for covered members of the PS&T Unit, including: (i) a three percent basic annual salary increase effective March 30, 2023 for officers and employees on the administrative payroll, and effective April 6, 2023 for officers and employees on the institutional payroll; (ii) a three percent basic annual salary increase effective March 28, 2024 for officers and employees on the administrative payroll, and effective April 4, 2024 for officers and employees on

the institutional payroll; (iii) a three percent basic annual salary increase effective March 27, 2025 for officers and employees on the administrative payroll, and effective April 3, 2025 for officers and employees on the institutional payroll; and (iv) performance advancement payments to covered members of the PS&T Unit pursuant to CSL § 131(6). This section also would give the Director of the Budget and the Director of Employee Relations discretion to withhold all or a portion of a unit members' salary increase, where appropriate or warranted.

Section 4 of this part would authorize the Office of Employee Relations and the employee organization representing members of the PS&T Unit to enter into an agreement to provide additional compensation to eligible employees in cases where the Director of Classification and Compensation has exercised authority under Section 130(4) of the CSL.

Section 5 of this part would provide a one-time \$3000 lump sum payment to eligible employees of the PS&T Unit for employees must be in continuous service in the PS&T Unit between June 6, 2023 and October 12, 2023 for officers and employees on the administrative payroll or October 19, 2023 for officers and employees on the institutional payroll as defined by Civil Service Law Section 130(3)(c) in an amount as set forth in the Agreement between the parties. This payment shall not be considered salary for retirement purposes and shall not become part of basic annual salary and shall be prorated in accordance with the collective bargaining agreement.

Section 6 of this part would provide a higher education differential to eligible members of the PS&T Unit, in accordance with the terms of, and in the amounts set forth in, the Agreement between the parties.

Section 7 of this part would continue existing location compensation for employees whose principal place of employment is located in the counties of Monroe, Rockland, Westchester, Nassau, Suffolk, Dutchess, Putnam, and Orange, or the city of New York. For the county of Monroe, only employees who were eligible on March 31, 1985 to receive location compensation shall be eligible for continued location compensation of \$200 per year. Employees in New York City or in the counties of Rockland, Westchester, Nassau or Suffolk continue to receive location compensation at the annual rate of \$3,026. This amount shall increase to \$3,087 effective April 1, 2023, to \$3,400 effective April 1, 2024 and to \$4,000 effective April 1, 2025. Employees in the counties of Dutchess, Putnam or Orange shall continue to receive location compensation at the annual rate of \$1,513. This amount shall increase to \$1,543 effective April 1, 2023, to \$1,650 effective April 1, 2024 and to \$2,000 effective April 1, 2025. If an employee is on an approved leave of absence for less than one year or participates in an employer program to work part-time during the summer months, prior eligibility for location pay would continue upon return to full-time State service in Monroe County.

Section 8 of this part would continue location compensation for certain officers and employees of the Hudson Valley Developmental Disabilities Services Office.

Section 9 of this part would continue special assignment to duty pay in the form of an annual lump sum payment to certain employees in a particular assignment deemed qualified under the terms of the Agreement. This payment will expire on April 1, 2026, unless an extension is negotiated by the parties.

Section 10 of this part would provide for an annual lump sum payment to long-term seasonal employees in an amount specified by, and subject to, the qualifying criteria established by the Agreement. This payment will expire on March 31, 2026.

Section 11 of this part would authorize contributions to employee dependent care accounts in amounts and for the time period designated in the Agreement.

Section 12 of this part would provide for the payment and publication of grievance and arbitration settlements and awards between the State and the employee organization representing employees who are members of the PS&T Unit.

Section 13 of this part would provide that statewide labor-management committees, administered pursuant to the terms of the Agreement, shall be responsible for studying and making recommendations concerning major issues of productivity, the quality of work life and health benefits, and implementing the agreements reached.

Section 14 of this part would provide for inconvenience pay to continue at a rate of \$575 per year for eligible employees who work four or more hours between the hours of 6:00 p.m. and 6:00 am.

Section 15 of this part would provide for the payment of a lump sum Firearms Training and Safety Incentive to qualified peace officers who are members of the PS&T Unit pursuant to the terms of a program collectively negotiated between the State and the employee organization representing such members.

Section 16 of this part would provide for the payment of a lump sum uniform allowance to certain employees of the Office of Fire Prevention and Control in the Fire Protection Specialist title series if there is a policy in place that requires employees to wear uniforms, in accordance with the terms of a negotiated side letter to the Agreement. This allowance will expire on April 1, 2026, unless an extension is negotiated by the parties.

Section 17 of this part would allow employees participating in a workers compensation pilot program established in the collective bargaining agreement to receive payments authorized through the program.

Section 18 of this part would require that, prior to any salary increases and benefit modifications provided by this part, the Director of the Budget and the State Comptroller must receive a letter from the Director of the Office of Employee Relations certifying that the Agreement has been ratified by the membership.

Section 19 of this part would set the date upon which incumbent members of the PS&T Unit would receive the salary increases provided by the Agreement.

Section 20 of this part would authorize a lump sum payment for retroactive salary increases and compensation modifications deemed in effect on April 1, 2023.

Section 21 of this part would authorize the State Comptroller to pay any amounts required by this part during the fiscal year commencing April 1, 2023 for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for any 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 departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

Section 22 of this part 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.

Section 23 of this part would provide for a lump sum appropriation in the amount of \$414,000,000 for personal and non-personal services, and for salary adjustments for use by state departments or agencies, to carry out the provisions of this part.

Section 24 of this part would provide that certain funds for statewide labor management committees are appropriated for use by the state departments' or agencies' Labor Management Committees to carry out the provisions of this part.

Section 25 of this part would require it to become effective immediately and deem it to have been in full force and effect on and after April 2, 2023. Appropriations would remain in full force and effect for liabilities incurred through March 31, 2024.

PART B OF THE BILL:

Section 1 of this part would repeal subparagraphs 1 and 2 of CSL § 130(1)(d) and replace them with new subparagraphs 1, 2 and 3 to provide new salary schedules for competitive, noncompetitive and labor class employees designated M/C, or who are otherwise excluded from representation rights, for the period of April 1, 2023 to March 31, 2026.

Section 2 of this part would repeal Correction Law § 19(1) and replace it with a new subdivision 1 providing new salary schedules for superintendents of correctional facilities.

Section 3 of this part would authorize a \$3,000 lump sum payment to eligible, annual-salaried State officers and employees if these otherwise eligible employees were (i) active on August 2, 2022; and (ii) in continuous service, as defined by paragraph (c) of subdivision 3 of section 130 of the Civil Service Law, from that date until March 30, 2023 for employees on the administrative payroll and April 6, 2023 for employees on the institutional payroll. This lump sum shall not be considered salary for retirement purposes and it shall not become part of basic annual salary. Furthermore, it shall be prorated for eligible employees in less than full-time status.

Section 4 of this part would authorize increases in basic annual salary of 3 percent effective April 1, 2023, 3 percent effective April 1, 2024 and 3 percent effective April 1, 2025. Additionally, this section provides for performance advancements, merit awards and longevity payments for non-statutorily paid employees.

Sections 5 and 6 of this part would provide salary increases consistent with those provided in Section 4 of this part for certain State officers and employees in the Division of State Police, certain State employees in the State University and certain employees of the contract colleges at Cornell and Alfred.

Section 7 of this part would, for each of the years 2023, 2024 and 2025, make available an amount equal to 1.0 % of the total of basic annual salaries of eligible State employees of the contract colleges at Cornell and Alfred as of June 30 of each year, for distribution to eligible employees at the discretion of the State University Trustees and with the approval of the Chancellor and the Director of the Budget.

Section 8 of this part would continue existing location compensation for employees whose principal place of employment is located in City of New York, or the counties of Westchester, Rockland, Suffolk, Nassau,

Dutchess, Putnam, Orange and Monroe. For eligible employees in the City of New York or the counties of Westchester, Rockland, Suffolk and Nassau, the existing location compensation would increase to \$3,087 effective April 1, 2023, to \$3,400 effective April 1, 2024 and \$4000 effective April 1, 2025. For eligible employees in the counties of Dutchess, Orange or Putman, the existing location compensation would increase to \$1,543 effective April 1, 2023, to \$1,650 effective April 1, 2024 and to \$2000 Effective April 1, 2025.

Section 9 of this part would continue location compensation for certain officers and employees of the Hudson Valley Developmental Disabilities Services Office.

Section 10 of this part would provide for the continuation of an overtime meal allowance for employees covered by this part.

Section 11 of this part would provide that 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 part.

Section 12 of this part would provide that the Director of the Budget may withhold any salary increase in order to reflect the job performance of an officer or an employee, to maintain appropriate salary relationships among employees, to reduce state expenditures to acceptable levels, or whenever such increase is not warranted or is not appropriate. This section also provides that this pay bill shall not be implemented until the Director of the Budget delivers notice to the State Comptroller that such amounts may be paid.

Section 13 of this part would continue authorization for payment of grievance settlements and awards pursuant to the Executive Order No. 42 grievance procedure, which applies to M/C employees.

Section 14 of this part would provide that salary increases, pursuant to this part, shall be effective on the first day of the first pay period nearest to the effective date of any such salary increase.

Section 15 of this part would authorize a lump sum payment for retroactive salary increases and compensation modifications deemed in effect on April 1, 2023, until the time when basic annual salaries and other compensation due are first paid, as provided for by this part.

Section 16 of this part would authorize the State Comptroller to pay any amounts required by this bill during the fiscal year commencing April 1, 2023 for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for any 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 departments and agencies, from any appropriations available in any fund, the amounts necessary to pay such amounts.

Section 17 of this part would provide a lump sum appropriation for personal service for use by state departments or agencies to carry out the provisions of this bill.

Section 18 of this part would provide for an immediate effective date of this part, which shall be deemed to have been in full force and effect on and after April 1, 2023. Appropriations shall remain in full force and effect for liabilities incurred through March 31, 2024.

STATEMENT IN SUPPORT:

PART A OF THE BILL:

Enactment of this part of the bill is necessary to implement the provisions of the collective bargaining agreement, negotiated by the Executive Branch of the State of New York with the Public Employees Federation, AFL-CIO, on behalf of members of the PS&T Unit. Approximately 51,000 annual salaried Executive Branch employees are covered by the Agreement, which includes a variety of professional, scientific and technical titles including information technology professionals, nurses, accountants, lawyers, engineers, and physicians.

The prior agreement governing these employees expired on April 1, 2023. This new Agreement covers the time period April 2, 2023, to April 1, 2026. Under Article 14 of the CSL, the Agreement is binding on all parties to it. This part of the bill incorporates the terms of that Agreement related to salary increases and benefit modifications and appropriates funds necessary to pay for it in accordance with the State's obligations.

PART B OF THE BILL:

This part of the bill establishes terms and conditions of employment for M/C and other unrepresented employees for the period April 1, 2023 through March 31, 2026. This includes certain compensation increases and payments that are comparable to collectively negotiated increases and payments for certain represented employees for appropriate salary administration.

LEGISLATIVE HISTORY:

New bill.

BUDGET IMPLICATIONS:

Part A of this bill would provide appropriations totaling approximately \$418,048,151 to pay for the cost of the Agreement during the period April 2, 2023 to March 31, 2024.

Part B of the bill would provide appropriations totaling approximately \$114,000,000 to pay its cost during the period April 1, 2023 through March 31, 2024.

EFFECTIVE DATE:

Part A of this bill would take effect immediately and shall be deemed to have been in full force and effect on and after April 2, 2023.

Part B of this bill would take effect immediately and be deemed to have been in effect on and after April 1, 2023.