

**GOVERNOR'S PROGRAM BILL
2024**

MEMORANDUM

An act to amend the civil service law, the state finance 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.

Purpose:

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").

Summary of Provisions:

Section 1 of the bill would repeal paragraph h of subdivision 1 of Civil Service Law Section 130, as added by chapter 60 of the laws of 2022, 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 3 percent increase in basic annual salary effective April 1, 2023; April 1, 2024; and April 1, 2025.

Section 2 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.

Section 3 of the bill would provide for increases in basic annual salary for covered members of the APSU of three percent effective April 1, 2023, 2024 and 2025. 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 4 of the bill provides for a lump sum payment in the amount of three thousand dollars for members of the unit in continuous service within the unit during the period May 9, 2024 through September 11, 2024. Such payment is not added to base salary and is not pensionable. Section 5 of the bill would provide eligible 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 this section would continue to provide eligible 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 this section 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 this section would provide that compensation for pre-shift briefing is excluded from the calculation of overtime but would be included for retirement purposes.

Section 6 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.

Sections 7 and 8 of the bill would continue location pay and supplemental location pay, respectively, to eligible members of the APSU and increase those amounts by 3% each year starting with April 1, 2023 consistent with the terms of the Agreement.

Section 9 of the bill would continue and, effective April 1, 2023, increase expanded duty pay to members of the APSU, consistent with the terms of the Agreement.

Section 10 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 2019-2023 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 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 2019-2023 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 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 twelve hundred dollars and increase that amount to two thousand dollars on April 1, 2025. Also, effective April 1, 2025, members of the unit with eleven years of service but less than 15 years of service would begin to receive, consistent with the Agreement, eight hundred dollars annually.

Section 13 of the bill would continue and increase the amount of the existing inconvenience pay program by 3% each year of the Agreement for 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 14 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 15 of the bill would continue the publication of grievance arbitration settlements and awards.

Section 16 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 17 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 18 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 19 of the bill would provide for the use of appropriations to pay any amounts required by the provisions of this bill.

Sections 20 and 21 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 22 of the bill would provide that the bill take effect immediately and would be deemed to have been in full force and effect on and after April 1, 2023.

Existing Law:

The last pay bill for the APSU, covering the period April 1, 2019 to March 31, 2023 was enacted by Chapter 60 of the Laws of 2022.

Statement in Support:

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 covers the period April 1, 2023 to March 31, 2026.

Legislative History:

New bill.

Budget Implications:

The bill would provide appropriations totaling approximately \$21.3 million to pay for the cost of the agreement during the period April 1, 2023, to March 31, 2025.

Effective Date:

The bill would take effect immediately and would be deemed to have been in full force and effect on and after April 1, 2023.