

**GOVERNOR'S PROGRAM BILL
2024**

MEMORANDUM

An act to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of state officers and employees who are the members of the security supervisors unit; to amend the state finance law, in relation to the employee benefit fund for all members of the security supervisors unit; to authorize funding of joint labor-management committees; to implement an agreement between the state and the employee organization representing the members of the security supervisors unit; to repeal certain provisions of the civil service law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof

Purpose:

This bill would implement the terms of a collectively negotiated agreement between the State of New York ("State") and Council 82, the employee organization representing members of the collective negotiating unit designated as the Security Supervisors Unit (the "Unit"), entered into pursuant to Civil Service Law ("CSL") Article 14 (the "Agreement").

Summary of Provisions:

Section 1 of the bill would repeal CSL § 130(1)(b) and (i) and add a new CSL § 130(1)(b), to provide for the application of salary schedules to all members of the Unit.

Section 2 of the bill would amend State Finance Law ("SFL") § 207-a (2-a) to continue employer payments to the employee benefit fund established by Council 82, for the benefit of all members of the Unit in the amounts agreed to by the parties in each year of the Agreement.

Section 3 of the bill would provide for increases in the compensation applicable to members of the Unit, in accordance with the terms of the Agreement, as follows:

Paragraph (1) would provide that the section applies to all full-time members of the Unit.

Paragraphs (2), (3) and (4) would provide all full-time annual salaried members of the Unit with a 3% increase in compensation over and above the annual salary they received as of March 31, effective April 1, in the years 2023, 2024 and 2025, respectively.

Paragraph (5) would provide performance advance payments to all annual salaried members of the Unit within their salary grades pursuant to CSL § 131 (6).

Paragraph (6) would continue to provide that annual salaried members who are eligible for the 10, 15, 20 and 25-year longevity step payments would receive such payments as prescribed by CSL § 130(1)(b).

Paragraph (7) would provide that where the salary of any annual salaried member of the Unit covered by this section is identical with either the hiring rate; performance advance steps 1, 2, 3, 4 or 5; the job rate; or the 10, 15, 20 or 25-year longevity step such member's basic annual salary would be increased to the corresponding hiring rate, performance advance step, job rate or longevity step as prescribed by CSL § 130(1)(b).

Paragraph (8) would afford unencumbered or newly created positions within the Unit the same treatment as encumbered and currently existing positions under this section and would provide that the Director of the Budget may reduce the salary of any position in the Unit which is or becomes vacant.

Paragraph (9) would provide that the increases payable pursuant to this section, except those in paragraphs five, six and seven, shall apply on a prorated basis to eligible members of the Unit who are paid on an hourly or per diem basis and members serving on a part-time or seasonal basis.

Paragraph (10) would provide that the increases payable pursuant to this section shall not apply to members of the Unit who are paid on a fee schedule basis.

Paragraph (11) would give the Director of the Budget the discretion to apply the appropriate increases provided for in this section to eligible members of the Unit who are in annual-salaried positions that are not allocated to salary grades.

Paragraph (12) would give the Director of the Budget and the Director of Employee Relations the discretion to withhold all of, or a portion of, a Unit member's increase in compensation when such increase is not warranted or is not appropriate.

Section 4 of the bill would continue the additional compensation paid to all full-time annual salaried members of the Unit for assembling for briefing prior to the commencement of duties ("pre-shift briefing") in accordance with the terms of the Agreement and CSL § 134(5); would provide that members of the Unit who are in non-pay status for the day would not receive such pre-shift briefing compensation; and would provide that pre-shift briefing compensation would be excluded from a Unit member's annual salary as overtime pay but included for retirement purposes.

Section 5 of the bill would provide for increases in command pay. Effective April 1, 2023, security supervisors command pay will continue at two thousand eight hundred seventy-four dollars. Effective April 1, 2024, command pay shall be increased to three thousand one hundred seventy-four dollars. Effective April 1, 2025, command pay shall be increased to three thousand six hundred seventy-four dollars. These payments shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

Section 6 of the bill would authorize hazardous duty pay for full-time annual salaried members of the Unit, consistent with the terms of the Agreement, after one year of service. For arbitration-ineligible members, hazardous duty pay will continue at \$200 effective April 1, 2023. Effective April 1, 2024, this amount shall be increased to \$575 annually. Effective April 1, 2025, this amount shall be increased to \$1,075 annually.

For arbitration-eligible members, the annual payment shall continue to be \$1,500 effective April 1, 2023. Effective April 1, 2024, this amount shall increase to \$1,875 annually. Effective April 1, 2025, this amount shall increase to \$2,375 annually. These payments shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

Section 7 of the bill would continue and increase the location pay benefit for full-time annual salaried arbitration-ineligible members of the Unit, as follows:

	Nassau, Suffolk, Westchester, Rockland or city of New York	Orange, Putnam or Dutchess
4/1/2023	\$1,882	\$1,004
4/1/2024	\$2,195	\$1,111
4/1/2025	\$3,400	\$1,650

Full-time salaried arbitration-ineligible members of the Unit whose official workstation is in the County of Monroe who on March 31, 1985 were eligible to receive location compensation would be eligible for continued location pay at a rate of \$203 per year.

Section 8 of the bill would continue and increase the location pay benefit for full-time annual salaried arbitration-eligible members of the Unit, as follows:

	Orange/Putnam/ Dutchess	NYC/Rockland/ Nassau/Suffolk Westchester
4/1/2023	\$1,400	\$3,758
4/1/2024	\$1,442	\$3,871
4/1/2025	\$1,846	\$4,623

Section 9 of the bill would provide a retention bonus lump sum payment of \$3,000 all eligible members of the Unit. This bonus is not part of basic annual salary and is a one-time payment.

Similarly, the bonus is not subject to any salary increases and is not pensionable. The bonus shall be pro-rated for those employees paid on any basis other than an annual basis. Employees paid on a part-time, hourly or per diem basis shall receive a signing bonus pro-rated on a basis reflecting the actual hours worked between May 9, 2024 and September 4, 2024. To qualify, employees must be in continuous service in the Security Supervisors Unit between May 9, 2024 and September 4, 2024 as defined by paragraph (c) of subdivision 3 of Section 130 of the CSL. Employees who separate from State service between May 9, 2024 and September 4, 2024 are not eligible for this bonus unless they retire directly from active State employment. This bonus shall be effective September 4, 2024.

Section 10 of the bill would provide seniority pay for eligible members of the Unit. Effective December 1, 2025, all members of the Unit who have completed 11 years of service as of November 1, 2025, as defined by the Agreement between the parties, shall receive an annual payment of \$750. Such payment shall be a lump sum and paid in a check when payment is made for the payroll that includes December 1. Such payment shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not affect or impair any increments or other rights or benefits to which the member may be entitled; provided, however, that the payment shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.

Section 11 of the bill would continue the payment of location compensation for certain employees of the Hudson Valley Developmental Disabilities Services Office who currently receive location pay in accordance with specified provisions of law.

Section 12 of the bill would continue the inconvenience pay program for full-time annual salaried arbitration ineligible members of the Unit who work four or more hours between the hours of 6:00 p.m. and 6:00 a.m., except on an overtime basis, at the rate of \$626 per year. Effective April 1, 2025, this amount shall be increased to \$645.

Section 13 of the bill would continue the inconvenience pay program for arbitration-eligible members of the Unit employed by DOCCS at the rate of \$1,928 per year for the evening shift and at the rate of \$964 per year for the night shift. Effective April 1, 2025, these amounts shall increase to \$1,986 and \$993, respectively.

Section 14 of the bill would require the State, in accordance with the terms of the Agreement, to contribute designated amounts to the accounts of eligible employees who are enrolled for dependent care deductions pursuant to State Finance Law ("SFL") § 201-a(7).

Section 15 of the bill would continue the state-wide joint labor-management committee for the period April 1, 2023 through March 31, 2026, with funding in the amounts provided in the Agreement.

Section 16 of the bill would make the appropriations contained in this bill available to the State for the payment and publication of grievance and arbitration settlements and awards.

Section 17 of the bill would continue to exempt the salaries of newly hired members of the Unit from the imposition of the "salary deferral" program pursuant to SFL § 200(2-a).

Section 18 of the bill establishes the methodology for establishing the date upon which eligible members of the Unit would be eligible to receive the salary increases and deferred payment of salary increases provided for by the Agreement.

Section 19 of the bill would provide a lump-sum payment to each incumbent member of the Unit to cover the difference between the salary and compensation such member would receive subsequent to the enactment of this bill as compared with the salary and compensation that such members received prior to its enactment.

Section 20 of the bill would authorize the State Comptroller to pay any amounts required by the provisions of this bill.

Section 21 of the bill provides that the salary increases and lump sum payments provided for in this bill shall not be implemented until the Director of Employee Relations has delivered a letter to the Director of the Budget and the Comptroller certifying that there is in effect with respect to such negotiating unit a collectively negotiated agreement, ratified by the membership, which provides for such increases and modifications, and which are fully executed in writing with the State pursuant to Article 14 of the CSL.

Sections 22 and 23 of the bill would appropriate monies to pay for the personal services, nonpersonal services, and labor management committee costs provided for in this bill.

Section 24 of the bill would make this bill effective immediately and deem it to have been in full force and effect on and after April 1, 2023.

Existing Law:

Chapter 359 of the Laws of 2022 sets forth the terms and conditions of employment arising out of the collective bargaining agreement between the State and Council 82, the employee organization representing members of the Unit, entered into pursuant to CSL Article 14 including the salary schedules as codified in Section 130 of the CSL.

Justification:

This bill is necessary to implement the terms of a collective bargaining agreement between the State and Council 82, the employee organization representing members of the Unit, entered into pursuant to CSL Article 14.

Legislative History:

New bill.

Budget Implications:

This bill would provide appropriations totaling approximately \$ 10.3 million to pay for the cost of the Agreement during the period of April 1,2023 to March 31, 2025.

Effective Date:

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