

SENATE BILL \_\_\_\_\_

ASSEMBLY BILL 8955

**STATE OF NEW YORK**

8955

2009-2010 Regular Sessions

**IN ASSEMBLY**

June 16, 2009

Introduced by M. of A. ABBATE -- (at request of the Governor) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of correctional services; authorizing funding of joint labor-management committees; implementing an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees; and to amend chapter 10 of the laws of 2008 amending the civil service law and the state finance law relating to compensation and other terms and conditions of employment of certain state officers and employees, in relation to providing compensation for seasonal management/confidential employees; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

*S 5966 Savino*

DATE RECEIVED BY GOVERNOR:

7/10/09

ACTION MUST BE TAKEN BY:

7/22/09

DATE GOVERNOR'S ACTION TAKEN:

7/11/09

---

SENATE VOTE 62 Y 0 N

HOME RULE MESSAGE \_\_\_ Y \_\_\_ N

DATE 7/9/09

ASSEMBLY VOTE 128 Y 0 N

DATE 6/22/09

000002

**A8955** Abbate Same as S 5966 SAVINO, S 50263 RULES, S 64343 RULES, S 65054 RULES, S 65122 RULES, S 65137 RULES

07/09/09 A8955 Senate Vote

Aye: 62 Nay: 0

06/22/09 A8955 Assembly Vote

Yes: 128 No : 0

[Go to Top of Page](#)

**Floor Votes:**

07/09/09 A8955 Senate Vote Aye: 62 Nay: 0

Aye Adams	Aye Addabbo	Aye Alesi	Aye Aubertine
Aye Bonacic	Aye Breslin	Aye DeFrancisco	Aye Diaz
Aye Dilan	Aye Duane	Aye Espada	Aye Farley
Aye Flanagan	Aye Foley	Aye Fuschillo	Aye Golden
Aye Griffo	Aye Hannon	Aye Hassell-Thompson	Aye Huntley
Aye Johnson C	Aye Johnson O	Aye Klein	Aye Krueger
Aye Kruger	Aye Lanza	Aye Larkin	Aye LaValle
Aye Leibell	Aye Libous	Aye Little	Aye Marcellino
Aye Maziarz	Aye McDonald	Aye Monserrate	Aye Montgomery
Aye Morahan	Aye Nozzolio	Aye Onorato	Aye Oppenheimer
Aye Padavan	Aye Parker	Aye Perkins	Aye Ranzenhofer
Aye Robach	Aye Saland	Aye Sampson	Aye Savino
Aye Schneiderman	Aye Serrano	Aye Seward	Aye Skelos
Aye Smith	Aye Squadron	Aye Stachowski	Aye Stavisky
Aye Stewart-Cousins	Aye Thompson	Aye Valesky	Aye Volker
Aye Winner	Aye Young		

[Go to Top of Page](#)

**Floor Votes:**

06/22/09 A8955 Assembly Vote Yes: 128 No : 0

Yes Abbate	ER Alessi	Yes Alfano	Yes Amedore
Yes Arroyo	Yes Aubry	Yes Bacalles	Yes Ball
Yes Barclay	Yes Barra	ER Barron	Yes Benedetto
Yes Benjamin	Yes Bing	ER Boyland	Yes Boyle
Yes Bradley	Yes Brennan	Yes Brodsky	Yes Brook-Krasny
ER Burling	Yes Butler	Yes Cahill	Yes Calhoun
ER Camara	Yes Canestrari	ER Carrozza	Yes Castro
Yes Christensen	Yes Clark	Yes Colton	Yes Conte
Yes Cook	Yes Corwin	Yes Crespo	Yes Crouch
Yes Cusick	Yes Cymbrowitz	Yes DelMonte	Yes DenDekker
Yes Destito	Yes Dinowitz	Yes Duprey	ER Eddington
Yes Englebright	Yes Errigo	Yes Espaillat	Yes Farrell
Yes Fields	Yes Finch	Yes Fitzpatrick	Yes Gabryszak
Yes Galef	ER Gantt	Yes Gianaris	Yes Gibson
Yes Giglio	Yes Glick	Yes Gordon	Yes Gottfried
Yes Gunther A	Yes Hawley	Yes Hayes	Yes Heastie
ER Hevesi	Yes Hikind	Yes Hooper	Yes Hoyt

Yes Hyer-Spencer	Yes Jacobs	Yes Jaffee	Yes Jeffries
Yes John	Yes Jordan	Yes Kavanagh	Yes Kellner
Yes Kolb	Yes Koon	Yes Lancman	Yes Latimer
Yes Lavine	Yes Lentol	Yes Lifton	Yes Lopez P
ER Lopez V	Yes Lupardo	Yes Magee	Yes Magnarelli
Yes Maisel	ER Markey	ER Mayersohn	Yes McDonough
Yes McEneny	Yes McKevitt	ER Meng	Yes Miller
Yes Millman	Yes Molinaro	Yes Morelle	ER Nolan
Yes Oaks	ER O'Donnell	Yes O'Mara	Yes Ortiz
Yes Parment	Yes Paulin	ER Peoples	Yes Peralta
ER Perry	Yes Pheffer	ER Powell	Yes Pretlow
Yes Quinn	Yes Rabbitt	Yes Raia	Yes Ramos
Yes Reilich	Yes Reilly	Yes Rivera J	ER Rivera N
Yes Rivera P	Yes Robinson	Yes Rosenthal	Yes Russell
ER Saladino	Yes Sayward	Yes Scarborough	Yes Schimel
Yes Schimminger	Yes Schroeder	Yes Scozzafava	ER Seminerio
Yes Skartados	Yes Spano	Yes Stirpe	Yes Sweeney
Yes Tedisco	Yes Thiele	Yes Titone	Yes Titus
Yes Tobacco	ER Towns	Yes Townsend	Yes Walker
Yes Weinstein	Yes Weisenberg	Yes Weprin	Yes Wright
Yes Zebrowski K	Yes Mr. Speaker		

---

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A8955

**SPONSOR:** Abbate

**TITLE OF BILL:** An act to amend the civil service law and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of correctional services; authorizing funding of joint labor-management committees; implementing an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees; and to amend chapter 10 of the laws of 2008 amending the civil service law and the state finance law relating to compensation and other terms and conditions of employment of certain state officers and employees, in relation to providing compensation for seasonal management/confidential employees; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

**PURPOSE:** This bill would implement the provisions of an interest arbitration award ("Award") binding the State of New York and the employee organization ("NYSCOPBA") representing full-time members of the Security Services collective negotiating unit ("members of the unit" or "unit members") who are employed within the State Department of Correctional Services and designated as peace officers pursuant to Criminal Procedure Law ("CPL") § 2.10.

This bill would also provide inconvenience pay and location compensation for seasonal managerial/confidential employees to remedy an omission in a previous pay bill.

**SUMMARY OF PROVISIONS:** Section 1 of the bill would repeal Civil Service Law ("CSL") § 130(1)(g) and add a new paragraph (g) to the section to establish a new salary schedule for members of the unit to reflect increases in basic annual salary, effective April 1, 2007 and April 1, 2008.

Section 2 of the bill would amend State Finance Law ("SFL") § 207-a(2)(b) to provide for payments by the Director of Employee Relations to the Employee Benefit Fund for members of the unit. For the period April 1, 2007 to March 31, 2008, such payment would be \$35 for each member of the unit; for the period April 1, 2008 through March 31, 2009, the payment would be \$40 per unit member.

Section 3 of the bill would provide for the compensation of members of the unit in accordance with the terms of the Award, including:

\*effective April 1, 2007, a 3% increase in basic annual salary of unit members.

\*effective April 1, 2008, a 3% increase in basic annual salary of unit members.

\*advancement payments to members of the unit pursuant to CSL § 131(6); and

\*enhanced longevity step payments.

This section would also give to the Director of the Budget and the Director of Employee Relations discretion to withhold all or a portion of a unit member's salary increase, where any such increase would not be appropriate or warranted.

Section 4 of the bill would provide additional compensation to members of the unit, in accordance with the terms of the Award, in recognition of the general requirement for full-time employees to assemble for briefing prior to the commencement of their duties. Each member of the unit would receive a minimum of \$4.80 per day for pre-shift briefing, or a minimum of \$24 per week in the event of such member's absence from work. Such 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 location pay for unit members. Unit members whose official workstation is New York City or counties of Nassau, Suffolk, Westchester or Rockland, as follows: (i) effective April 1, 2007, \$3,117 and (ii) effective April 1, 2008, \$3,210. Location pay for unit members whose official workstation is Orange, Putnam or Dutchess County would be: (i) effective April 1, 2007, \$1,160 and (ii) effective April 1, 2008, \$1,195. Such payments would be equally divided over 26 payroll periods and count as compensation for overtime and retirement purposes.

Section 6 of the bill would provide for annual inconvenience pay to unit members. Effective April 1, 2007, unit members who work the night shift or evening shift would receive \$900 and \$1,800, respectively.

Section 7 of the bill would provide unit members with expanded duty pay in the amount of \$1,500 per year, effective April 1, 2007. Such compensation would be equally divided over 26 payroll periods and be included as compensation for the purpose of overtime and retirement.

Section 8 of the bill would continue, for the period of April 1, 2007 through March 31, 2009, a Statewide Joint Labor-Management Committee to study various labor-related issues including employee assistance, performance evaluation, education and training, quality of work life.

Section 9 of the bill would provide for location pay to seasonal employees who are management/confidential by removing the current restriction on such payment.

Section 10 of the bill would provide for the payment of inconvenience pay to seasonal management/confidential employees who are required to work 4 or more hours between the hours of 6 p.m. and 6 a.m., exclusive of any hours for which he or she receives overtime compensation. This benefit has already been extended to other nonseasonal management/confidential employees.

Section 11 of the bill would make available the appropriations contained in the bill to continue the payment and publication of grievance arbi-

tration settlements and awards.

Section 12 of the bill would provide that no increase in compensation set forth in the bill would be payable to a Correction Officer Trainee or Correction Officer Trainee, Spanish Language until he or she is designated as a peace officer pursuant to CPL § 2.10(25).

Section 13 of the bill would continue to exempt the salaries of newly hired unit members from the imposition of "deterred payment" pursuant to SFL § 200(2-a).

Section 14 of the bill would set the date upon which incumbent members of the unit would receive the salary increases provided by the Award.

Section 15 of the bill would provide that until payment is made pursuant to this bill, members of the unit will receive payment otherwise payable in their respective positions. When basic annual salaries are first paid pursuant to this bill, such members shall be entitled to a lump sum payment for the difference between the salaries to which they were entitled since April 1, 2007 and the compensation actually received.

Section 16 of the bill would authorize the 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 17 of the bill would appropriate approximately \$319 million in the General Fund to pay for personal and non-personal services for members of the unit as provided in this bill and in accordance with the terms of the Award.

Section 18 of the bill would provide that it take effect immediately and be deemed to have been in full force and effect on and after April 1, 2007.

**EXISTING LAW:** Chapter 113 of the Laws of 2006 and Chapter 18 of the Laws of 2007 implement the terms and conditions of employment for members of the unit for the period April 1, 2003 to March 31, 2007.

CSL § 130(1) establishes the current salary schedules and longevity schedule for members of the unit.

CSL § 134(5) establishes the current pre-shift briefing payment.

Subdivision 1 of section 7 of part B of chapter 10 of the laws of 2008 establishes location compensation for the officers and employees enumerated therein.

Subdivision 2 of section 17 of chapter 33 of the laws of 1969 provides for the payment of inconvenience pay for the officers and employees listed therein.

**PRIOR LEGISLATIVE HISTORY:** None.

**STATEMENT IN SUPPORT:** This bill is necessary to implement the terms

of an interest arbitration award issued pursuant to CSL § 209(4), binding the State of New York and NYSCOPBA, the employee organization representing members of the Security Services collective negotiating unit.

Sections 9 and 10 of this bill are necessary to implement inconvenience pay and location compensation for seasonal managerial/ confidential employees, to remedy an omission in a previous bill and provide compensation for such employees consistent with that of other State officers and employees.

**BUDGET IMPLICATIONS:** This bill would provide appropriations totaling approximately \$319 million (General Fund/All Funds) to pay for the cost of the interest arbitration award during the period April 1, 2007 to March 31, 2009.

**EFFECTIVE DATE:** This bill would take effect immediately and be deemed to have been in full force and effect on and after April 1, 2007.

---



David A. Paterson  
Governor

State of New York  
Governor's Office of Employee Relations  
Counsel's Office  
2 Empire State Plaza, 13th Floor, Albany, New York 12223  
(518) 473-4596 • (518) 486-7303 (Fax)

Gary Johnson  
Director

## MEMORANDUM

July 14, 2009

TO: Peter J. Kiernan  
FROM: Michael N. Volforte  
SUBJECT: A.8955/S.5966

This bill would implement the terms of an interest arbitration award issued pursuant to Civil Service Law §209.4 binding the State of New York ("State") and the New York State Correctional Officers and Police Benevolent Association, Inc. ("NYSCOPBA") with respect to terms and conditions of employment of interest arbitration eligible employees within the Security Services Unit. All interest arbitration eligible employees are peace officers pursuant to Criminal Procedure Law §2.10 and are employed by the Department of Correctional Services. The vast majority of interest arbitration eligible employees are in the title of Correction Officer and Correction Sergeant. The interest arbitration award covers the period April 1, 2007 to March 31, 2009.

While this bill implements a number of terms and conditions of employment for these employees, all of which relate to compensation, some of the major components would provide the following, consistent with the terms of the interest arbitration award: a three (3) percent increase in annual salary on April 1, 2007 and April 1, 2008; increased longevity payments and location pay; the establishment of expanded duty pay effective April 1, 2007; and funding for the employee benefit fund and joint committee on health benefits. This bill also continues other terms and conditions of employment for such employees. Lastly, the bill would provide for the payment of inconvenience pay and location pay to seasonal Management/Confidential employees.

The Governor's Office of Employee Relations ("GOER") strongly supports this bill. As is set forth in the Memorandum of Support accompanying the bill, it is necessary to implement the terms of an interest arbitration award binding the State and NYSCOPBA covering these employees. This bill would allow the State to carry out its obligations under the Civil Service Law.

For the above-stated reasons, GOER urges the Governor to approve this legislation. Thank you for the opportunity to provide comment.

/mnv

**STATE OF NEW YORK**

8955

2009-2010 Regular Sessions

**IN ASSEMBLY**

June 16, 2009

Introduced by M. of A. ABBATE -- (at request of the Governor) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of correctional services; authorizing funding of joint labor-management committees; implementing an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees; and to amend chapter 10 of the laws of 2008 amending the civil service law and the state finance law relating to compensation and other terms and conditions of employment of certain state officers and employees, in relation to providing compensation for seasonal management/confidential employees; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph g of subdivision 1 of section 130 of the civil  
2 service law is REPEALED and a new paragraph g is added to read as  
3 follows:  
4 g. Pursuant to the terms of an interest arbitration award issued  
5 pursuant to subdivision four of section two hundred nine of this chapter  
6 covering members of the security services collective negotiating unit  
7 who are employed within the state department of correctional services  
8 and who are designated as peace officers pursuant to section 2.10 of the  
9 criminal procedure law, effective on the dates indicated, salary grades  
10 for such unit members shall be as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD12093-01-9

A. 8955

2

1 (1) Effective April first, two thousand seven:

		Perf.	Perf.	Perf.	Perf.	Perf.						Long	
		Ad-	Ad-	Ad-	Ad-	Ad-						Max.	
	Hir-	vance	vance	vance	vance	vance			10-Yr	15-Yr	20-Yr	25-Yr	
	ing	Step	Step	Step	Step	Step	Job	Perf.	Long	Long	Long	Long	
	SG	Rate	1	2	3	4	Rate	Adv.	Step	Step	Step	Step	
7	1	22588	23467	24346	25225	26104	26983	27862	879	29414	30780	33246	34612
8	2	23352	24277	25202	26127	27052	27977	28902	925	30543	31989	34523	35969
9	3	24420	25386	26352	27318	28284	29250	30216	966	31928	33435	36022	37529
10	4	25445	26463	27481	28499	29517	30535	31553	1018	33475	34938	37594	39057
11	5	26573	27642	28711	29780	30849	31918	32987	1069	34881	36548	39275	40942
12	6	27879	29005	30131	31257	32383	33509	34635	1126	36630	38387	41192	42949
13	7	29365	30536	31707	32878	34049	35220	36391	1171	38466	40291	43156	44980
14	8	30928	32143	33358	34573	35788	37003	38218	1215	40374	42271	45198	47096
15	9	32564	33834	35104	36374	37644	38914	40184	1270	42438	44420	47423	49406
16	10	34322	35657	36992	38327	39662	40997	42332	1335	44693	46771	49853	51932
17	11	36255	37644	39033	40422	41811	43200	44589	1389	47046	49211	52371	54536
18	12	38180	39630	41080	42530	43980	45430	46880	1450	49453	51716	54961	57224
19	13	40363	41877	43391	44905	46419	47933	49447	1514	52127	54483	57813	60168
20	14	42589	44176	45763	47350	48937	50524	52111	1587	54918	57388	60812	63282
21	15	44947	46597	48247	49897	51547	53197	54847	1650	57771	60343	63857	66429
22	16	47391	49116	50841	52566	54291	56016	57741	1725	60796	63485	67100	69789
23	17	49959	51777	53595	55413	57231	59049	60867	1818	64083	66912	70650	73479
24	18	52708	54615	56522	58429	60336	62243	64150	1907	67531	70507	74370	77345
25	19	55493	57485	59477	61469	63461	65453	67445	1992	70974	74079	78055	81160
26	20	58257	60340	62423	64506	66589	68672	70755	2083	74447	77697	81798	85048
27	21	61301	63472	65643	67814	69985	72156	74327	2171	78176	81564	85784	89171
28	22	64488	66787	69086	71385	73684	75983	78282	2299	82353	85933	90325	93905
29	23	67889	70254	72619	74984	77349	79714	82079	2365	86273	89963	94447	98137
30	24	71471	73923	76375	78827	81279	83731	86183	2452	90529	94354	98957	102782
31	25	75364	77922	80480	83038	85596	88154	90712	2558	95244	99234	103975	107966

32 (2) Effective April first, two thousand eight:

		Perf.	Perf.	Perf.	Perf.	Perf.						Long	
		Ad-	Ad-	Ad-	Ad-	Ad-						Max.	
	Hir-	vance	vance	vance	vance	vance			10-Yr	15-Yr	20-Yr	25-Yr	
	ing	Step	Step	Step	Step	Step	Job	Perf.	Long	Long	Long	Long	
	SG	Rate	1	2	3	4	Rate	Adv.	Step	Step	Step	Step	
38	1	23266	24171	25076	25981	26886	27791	28696	905	30295	31702	34242	35649
39	2	24053	25006	25959	26912	27865	28818	29771	953	31461	32951	35561	37050
40	3	25153	26148	27143	28138	29133	30128	31123	995	32886	34439	37103	38655
41	4	26208	27257	28306	29355	30404	31453	32502	1049	34482	35989	38724	40231
42	5	27370	28471	29572	30673	31774	32875	33976	1101	35927	37644	40453	42170
43	6	28715	29875	31035	32195	33355	34515	35675	1160	37730	39540	42429	44238
44	7	30246	31452	32658	33864	35070	36276	37482	1206	39619	41499	44450	46329
45	8	31856	33108	34360	35612	36864	38116	39368	1252	41589	43543	46557	48512
46	9	33541	34849	36157	37465	38773	40081	41389	1308	43711	45752	48845	50888
47	10	35352	36727	38102	39477	40852	42227	43602	1375	46034	48174	51349	53490
48	11	37343	38774	40205	41636	43067	44498	45929	1431	48460	50690	53944	56174
49	12	39325	40819	42313	43807	45301	46795	48289	1494	50939	53270	56612	58943
50	13	41574	43133	44692	46251	47810	49369	50928	1559	53688	56115	59545	61971
51	14	43867	45502	47137	48772	50407	52042	53677	1635	56568	59112	62639	65183
52	15	46295	47995	49695	51395	53095	54795	56495	1700	59507	62156	65775	68424
53	16	48813	50590	52367	54144	55921	57698	59475	1777	62622	65391	69115	71884

A. 8955

3

1	<u>17</u>	<u>51458</u>	<u>53331</u>	<u>55204</u>	<u>57077</u>	<u>58950</u>	<u>60823</u>	<u>62696</u>	<u>1873</u>	<u>66008</u>	<u>68922</u>	<u>72772</u>	<u>75686</u>
2	<u>18</u>	<u>54289</u>	<u>56253</u>	<u>58217</u>	<u>60181</u>	<u>62145</u>	<u>64109</u>	<u>66073</u>	<u>1964</u>	<u>69555</u>	<u>72621</u>	<u>76600</u>	<u>79664</u>
3	<u>19</u>	<u>57158</u>	<u>59210</u>	<u>61262</u>	<u>63314</u>	<u>65366</u>	<u>67418</u>	<u>69470</u>	<u>2052</u>	<u>73105</u>	<u>76303</u>	<u>80398</u>	<u>83596</u>
4	<u>20</u>	<u>60005</u>	<u>62151</u>	<u>64297</u>	<u>66443</u>	<u>68589</u>	<u>70735</u>	<u>72881</u>	<u>2146</u>	<u>76684</u>	<u>80031</u>	<u>84255</u>	<u>87603</u>
5	<u>21</u>	<u>63140</u>	<u>65376</u>	<u>67612</u>	<u>69848</u>	<u>72084</u>	<u>74320</u>	<u>76556</u>	<u>2236</u>	<u>80520</u>	<u>84010</u>	<u>88357</u>	<u>91845</u>
6	<u>22</u>	<u>66423</u>	<u>68791</u>	<u>71159</u>	<u>73527</u>	<u>75895</u>	<u>78263</u>	<u>80631</u>	<u>2368</u>	<u>84824</u>	<u>88512</u>	<u>93035</u>	<u>96723</u>
7	<u>23</u>	<u>69926</u>	<u>72362</u>	<u>74798</u>	<u>77234</u>	<u>79670</u>	<u>82106</u>	<u>84542</u>	<u>2436</u>	<u>88862</u>	<u>92663</u>	<u>97281</u>	<u>101082</u>
8	<u>24</u>	<u>73615</u>	<u>76141</u>	<u>78667</u>	<u>81193</u>	<u>83719</u>	<u>86245</u>	<u>88771</u>	<u>2526</u>	<u>93247</u>	<u>97187</u>	<u>101928</u>	<u>105868</u>
9	<u>25</u>	<u>77625</u>	<u>80260</u>	<u>82895</u>	<u>85530</u>	<u>88165</u>	<u>90800</u>	<u>93435</u>	<u>2635</u>	<u>98103</u>	<u>102213</u>	<u>107096</u>	<u>111207</u>

10 § 2. Subdivision 2 of section 207-a of the state finance law, as  
 11 amended by chapter 113 of the laws of 2006, is amended to read as  
 12 follows:

13 2. Where and to the extent that an agreement between the state and an  
 14 employee organization entered into pursuant to article fourteen of the  
 15 civil service law or an interest arbitration award issued pursuant to  
 16 subdivision four of section two hundred nine of the civil service law  
 17 between the state and an employee organization so provides on behalf of  
 18 employees in the collective negotiating unit designated as the security  
 19 services unit established pursuant to article fourteen of the civil  
 20 service law, and upon audit and warrant of the comptroller, the director  
 21 shall provide for the payment of moneys to such employee organization  
 22 for the establishment and maintenance of an employee benefit fund estab-  
 23 lished by the employee organization for the employees in the negotiating  
 24 unit covered by the controlling provision of such agreement or award  
 25 providing for such employee benefit fund, such amount to be determined  
 26 consistent with said agreement or award on the basis of the number of  
 27 full-time annual salaried employees, as determined by the comptroller,  
 28 on the payroll on the last day of the payroll period in which March  
 29 first, two thousand [~~three~~] seven, falls for payments to be made on  
 30 April first, two thousand [~~three~~] seven, on the last day of the payroll  
 31 period in which March first, two thousand [~~four~~] eight falls for  
 32 payments to be made on April first, two thousand [~~four, on the last day~~  
 33 ~~of the payroll period in which March first, two thousand five falls for~~  
 34 ~~payments to be made on April first, two thousand five and on the last~~  
 35 ~~day of the payroll period in which March first, two thousand six falls~~  
 36 ~~for payments to be made on April first, two thousand six] eight. The  
 37 amount, which will be determined pursuant to this section, for employees  
 38 who are paid from special or administrative funds, other than the gener-  
 39 al fund or the capital projects fund of the state, will be paid from the  
 40 appropriations as provided by law, in which case the comptroller will  
 41 establish procedures to ensure repayment from said special or adminis-  
 42 trative funds. The director may enter into an agreement with an employee  
 43 organization which sets forth the specific terms and conditions for the  
 44 establishment and administration of an employee benefit fund as a condi-  
 45 tion for the transmittal of moneys pursuant to this section.~~

46 § 3. Compensation for members of the security services collective  
 47 negotiating unit pursuant to an interest arbitration award issued pursu-  
 48 ant to subdivision 4 of section 209 of the civil service law.

49 1. The provisions of this section shall apply to full-time members of  
 50 the security services collective negotiating unit employed within the  
 51 state department of correctional services, who are designated as peace  
 52 officers pursuant to section 2.10 of the criminal procedure law.

53 2. Effective April 1, 2007 the basic annual salary of members of the  
 54 security services collective negotiating unit who are in annual salaried  
 55 employment status on March 31, 2007 shall be increased by 3 percent.

A. 8955

4

1 3. Effective April 1, 2008 the basic annual salary of members of the  
2 security services collective negotiating unit who are in annual salaried  
3 employment status on March 31, 2008 shall be increased by 3 percent.

4 4. Payments pursuant to the provisions of subdivision 6 of section 131  
5 of the civil service law for members of the security services collective  
6 negotiating unit who are entitled to such payments shall be payable  
7 pursuant to the terms of a determination made by the arbitration panel  
8 pursuant to the terms of an agreement between the state and an employee  
9 organization representing employees subject to the provisions of this  
10 section.

11 5. Effective April 1, 2007 pursuant to the terms of an interest arbi-  
12 tration award issued pursuant to subdivision 4 of section 209 of the  
13 civil service law covering members of the security services collective  
14 negotiating unit who are employed with the state department of correc-  
15 tional services and who are designated as peace officers pursuant to  
16 section 2.10 of the criminal procedure law, for such unit members who  
17 are on the institutional payroll, the ten year, fifteen year, twenty  
18 year and twenty-five year longevity step payment for such unit members  
19 to whom the provisions of this section apply shall be that amount  
20 prescribed by subparagraphs 1 and 2 of paragraph g of subdivision 1 of  
21 section 130 of the civil service law as added by section one of this  
22 act.

23 6. Notwithstanding any of the foregoing provisions of this section, if  
24 the basic annual salary of such unit members to whom the provisions of  
25 this section apply is identical with the hiring rate, performance  
26 advance step one, performance advance step two, performance advance step  
27 three, performance advance step four, performance advance step five, the  
28 job rate, the ten year longevity step, the fifteen year longevity step,  
29 the twenty year longevity step or the twenty-five year longevity step of  
30 the salary grade of his or her position on March 31, 2007 for such unit  
31 members to whom the provisions of this section apply on the institu-  
32 tional payroll, such basic annual salary shall be increased to the  
33 hiring rate, performance advance step one, two, three, four or five, the  
34 job rate, the ten year longevity step, the fifteen year longevity step,  
35 the twenty year longevity step or twenty-five year longevity step of  
36 such salary grade as contained in subparagraph 1 of paragraph g of  
37 subdivision 1 of section 130 of the civil service law, as added by  
38 section one of this act, to take effect on April 1, 2007 for such unit  
39 members to whom the provisions of this section apply on the institu-  
40 tional payroll. If the basic annual salary of such unit members to whom  
41 the provisions of this section apply is identical with the hiring rate,  
42 performance advance step one, performance advance step two, performance  
43 advance step three, performance advance step four, performance advance  
44 step five, the job rate, the ten year longevity step, the fifteen year  
45 longevity step, the twenty year longevity step or twenty-five year  
46 longevity step of the salary grade of his or her position on March 31,  
47 2008 for such unit members to whom the provisions of this section apply  
48 on the institutional payroll such basic annual salary shall be increased  
49 to the hiring rate, performance advance step one, two, three, four or  
50 five, the job rate, the ten year longevity step, the fifteen year  
51 longevity step, the twenty year longevity step or the twenty-five year  
52 longevity step of such salary grade as contained in subparagraph 2 of  
53 paragraph g of subdivision 1 of section 130 of the civil service law, as  
54 added by section one of this act, to take effect on April 1, 2008 for  
55 such unit members to whom the provisions of this section apply on the  
56 institutional payroll. The increases in basic annual salary provided by

A. 8955

5

1 this subdivision shall be in lieu of any increase in basic annual salary  
2 provided for in subdivisions two and three of this section.

3 7. If an unencumbered position is one which if encumbered, would be  
4 subject to the provisions of this section, the salary of such position  
5 shall be increased by the salary increase amounts specified in this  
6 section. If a position is created, and is filled by the appointment of  
7 such unit member to whom the provisions of this section apply, the sala-  
8 ry otherwise provided for such position shall be increased in the same  
9 manner as though such position had been in existence but unencumbered.  
10 Notwithstanding the provisions of this section, the director of the  
11 budget may reduce the salary of any such position, which is or becomes  
12 vacant.

13 8. Notwithstanding any of the foregoing provisions of this section,  
14 any increase in compensation may be withheld in whole or in part from  
15 any such unit members to whom the provisions of this section apply when,  
16 in the opinion of the director of the budget and the director of employ-  
17 ee relations, such increase is not warranted or is not appropriate.

18 § 4. Additional compensation for members of the security services  
19 collective negotiating unit who are employed within the state department  
20 of correctional services and who are designated as peace officers,  
21 pursuant to section 2.10 of the criminal procedure law, in recognition  
22 of pre-shift briefing.

23 1. In recognition of the general requirement for full-time unit  
24 members to assemble for briefing prior to the commencement of duties,  
25 where and to the extent a determination made by the public arbitration  
26 panel so provides on behalf of such unit members to whom the provisions  
27 of this section apply on behalf of each such employee except such  
28 employee receiving additional compensation pursuant to subdivision 5 of  
29 section 134 of the civil service law, such members shall receive addi-  
30 tional compensation in recognition of pre-shift briefing.

31 2. Each such unit member to whom the provisions of this section apply,  
32 shall receive a minimum of \$4.80 for each day while in payroll status  
33 when such pre-shift briefing time is not otherwise compensated at a  
34 greater amount at the one and one-half times the hourly rate of pay  
35 provided for by subdivision 1 of section 134 of the civil service law  
36 and the rules and regulations of the director of the budget. Each such  
37 unit member to whom the provisions of this section apply, subject to the  
38 provisions of this section, shall be guaranteed a minimum of \$24 per  
39 week in addition to base pay. No payments authorized pursuant to this  
40 section shall be made to an employee who is in non-pay status for that  
41 day.

42 3. Any such additional compensation pursuant to this section shall be  
43 paid in addition to and shall not be a part of such employee's basic  
44 annual salary and shall not be included as compensation for the purposes  
45 of computation of overtime pay, provided, however, that such additional  
46 compensation shall be included for retirement purposes. Notwithstanding  
47 the foregoing provisions of this section or of any other law, such addi-  
48 tional compensation as added by this section shall be in lieu of the  
49 continuation of any other additional compensation for such unit members  
50 in recognition of pre-shift briefing.

51 § 5. Locational compensation for members of the security services  
52 collective negotiating units.

53 1. Pursuant to the terms of an interest arbitration award issued  
54 pursuant to subdivision 4 of section 209 of the civil service law cover-  
55 ing members of the security services collective negotiating unit who are  
56 employed within the state department of correctional services and who

A. 8955

6

1 are designated as peace officers pursuant to section 2.10 of the criminal procedure law, and notwithstanding any inconsistent provision of law, effective April 1, 2007, for such unit members to whom the provisions of this section apply who are full-time employees and in employment status on March 31, 2007, and whose principal place of employment, or in the case of a field employee, whose official station as determined in accordance with the regulations of the state controller is located in the city of New York or in the counties of Nassau, Suffolk, Westchester or Rockland, location compensation shall be increased to \$3,117. Effective April 1, 2008, this amount shall be increased to \$3,210.

2. Effective April 1, 2007, for such unit members to whom the provisions of this section apply who are full-time employees and in employment status on March 31, 2007, and whose principal place of employment, or in the case of a field employee, whose official station as determined in accordance with the regulations of the state controller is located in the counties of Orange, Putnam or Dutchess, location compensation shall be increased to \$1,160. Effective April 1, 2008, this amount shall be increased to \$1,195.

3. Payments for location compensation pursuant to this section shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes; provided, however, that effective April 1, 2007, there shall be no other separate payments for location or supplemental location compensation. Payments pursuant to this section shall be offset by any location and/or supplemental location compensation already received by such unit members.

§ 6. Inconvenience pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective April 1, 2007, such unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of correctional services, shall continue to be paid \$1,800 per year in equal bi-weekly installments for work on such shift. Effective April 1, 2007, such unit members to whom the provisions of this section apply who work the night shift as defined by the individual facilities within the department of correctional services shall continue to be paid \$900 per year in equal bi-weekly installments for work on such shift. Such amounts, for such unit members to whom the provisions of this section apply and who work both the evening shift and the night shift as specified above, shall be offset by payments already received as inconvenience pay effective April 1, 2006 and the remainder shall be calculated as part of a retroactive payment. Such unit members to whom the provisions of this section apply on paid leave for line of duty injuries shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

§ 7. Expanded duty pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law and notwithstanding any other

A. 8955

7

1 provision of law, effective April 1, 2007, such unit members to whom the  
2 provisions of this section apply shall be paid an expanded duty pay in  
3 the amount of \$1,500 per year. Payment for such compensation shall be  
4 equally divided over the 26 payroll periods of a fiscal year. Such  
5 compensation pursuant to this section shall be included as compensation  
6 for overtime and retirement purposes.

7 § 8. During the period April 1, 2007 through March 31, 2009, there  
8 shall be a statewide joint labor-management committee continued and  
9 administered pursuant to the terms of the agreement negotiated between  
10 the state and the employee organization representing employees in the  
11 collective negotiating unit designated as the security services unit  
12 established pursuant to article 14 of the civil service law which shall,  
13 after March 31, 2007, with the amounts available therefore, study and  
14 make recommendations concerning major issues of employee assistance,  
15 performance evaluation, education and training, quality of work life and  
16 provide for the implementation of the terms of agreements of such  
17 committee.

18 § 9. Paragraph (d) of subdivision 1 of section 7 of part B of chapter  
19 10 of the laws of 2008, amending the civil service law and the state  
20 finance law relating to compensation and other terms and conditions of  
21 employment of certain state officers and employees, is amended to read  
22 as follows:

23 (d) part-time [~~and seasonal~~] employees;

24 § 10. Subdivision 2 of section 17 of chapter 333 of the laws of 1969,  
25 amending the civil service law and other laws relating to salary  
26 increases for certain state officers and employees, as amended by  
27 section 17 of part A of chapter 10 of the laws of 2008, is amended to  
28 read as follows:

29 2. Any employee subject to this section who is required to work a tour  
30 of duty which includes four or more hours between the hours of six p.m.  
31 and six a.m., exclusive of any hours for which he or she receives over-  
32 time compensation, shall be entitled to inconvenience pay for such tour  
33 of duty in an amount equal to the daily rate equivalent of four hundred  
34 dollars per year, unless a higher daily rate is authorized under the  
35 terms of a collective negotiated agreement between the state and an  
36 employee organization pursuant to article 14 of the civil service law,  
37 or is authorized by the director of the budget for employees excluded  
38 from negotiating rights under article 14 of the civil service law, in  
39 which case such daily rate may be up to five hundred seventy-five  
40 dollars per year, effective April 2, 2007. The provisions of this subdi-  
41 vision shall apply on a prorated basis to officers and employees serving  
42 on a seasonal basis in the collective negotiating units designated as  
43 the administrative services unit, the institutional services unit, the  
44 operational services unit, and the division of military and naval  
45 affairs unit, and officers and employees excluded from collective nego-  
46 tiating units established pursuant to article 14 of the civil service  
47 law.

48 § 11. Notwithstanding any provision of law to the contrary, the appro-  
49 priations contained in this act shall be available to the state for the  
50 payment and publication of grievance and arbitration settlements and  
51 awards pursuant to articles 7 and 8 of the collective negotiating agree-  
52 ment between the state and the employee organization representing the  
53 collective negotiating unit designated as the security services unit  
54 established pursuant to article 14 of the civil service law.

55 § 12. No individual who is a Correction Officer Trainee or Correction  
56 Officer Trainee, Spanish Language shall be eligible for any increase in

A. 8955

8

1 any compensation provided for in this act until such individual is  
2 designated a peace officer pursuant to section 2.10 of the criminal  
3 procedure law. Nothing herein shall alter or change any other eligibil-  
4 ity requirements for any compensation a Correction Officer Trainee or  
5 Correction Officer Trainee, Spanish Language must satisfy in order to be  
6 eligible for such compensation.

7 § 13. Notwithstanding any provision of law, rule or regulation to the  
8 contrary, and where and to the extent an agreement negotiated between  
9 the state and the employee organization representing employees in the  
10 security services unit established pursuant to article 14 of the civil  
11 service law so provides, the salaries of newly hired employees on or  
12 after September 1, 1992 into state service in positions within negotiat-  
13 ing units shall not be subject to the provisions of subdivision 2-a of  
14 section 200 of the state finance law.

15 § 14. Date of entitlement to salary increase. Notwithstanding the  
16 provisions of this act or of any other provision of law to the contrary,  
17 the increase of salary or compensation of any members of the security  
18 services collective negotiating unit established pursuant to article 14  
19 of the civil service law who are full-time annual salaried employees and  
20 who are employed by the state department of correctional services and  
21 are peace officers pursuant to subdivision 25 of section 2.10 of the  
22 criminal procedure law, provided by this act shall be added to the sala-  
23 ry of such member at the beginning of that payroll period the first day  
24 of which is nearest to the effective date of such increase as provided  
25 in this act, or at the beginning of the earlier of two payroll periods  
26 the first days of which are nearest but equally near to the effective  
27 date of such increase as provided in this act; provided, however, that  
28 for the purposes of determining the salary of such unit members upon  
29 reclassification, reallocation, appointment, promotion, transfer,  
30 demotion, reinstatement, or other change of status, such salary increase  
31 shall be deemed to be effective on the date thereof as prescribed by  
32 this act, with payment thereof pursuant to this section on a date prior  
33 thereto, instead of on such effective date, and shall not operate to  
34 confer any additional salary rights or benefits on such unit members.  
35 Payment of such salary increase may be deferred pursuant to section  
36 fifteen of this act.

37 § 15. Deferred payment of salary increase. Notwithstanding the  
38 provisions of any other section of this act, or of any other law to the  
39 contrary, pending payment pursuant to this act of the basic annual sala-  
40 ries of incumbents of positions subject to this act, such incumbents  
41 shall receive, as partial compensation for services rendered, the rate  
42 of compensation otherwise payable in their respective positions. An  
43 incumbent holding a position subject to this act at any time during the  
44 period from April 1, 2007, until the time when basic annual salaries are  
45 first paid pursuant to this act for such services in excess of the  
46 compensation actually received therefor, shall be entitled to a lump sum  
47 payment for the difference between the salary to which such incumbent is  
48 entitled for such services and the compensation actually received there-  
49 for. Such lump sum payment shall be made as soon as practicable. The  
50 amounts paid under this act shall count as compensation earned during  
51 the year or years for which it is calculated and not as compensation  
52 earned wholly in the year in which it is paid. Notwithstanding any  
53 provision of law, rule or regulation to the contrary, and pursuant to  
54 the terms of an interest arbitration award issued by the public arbi-  
55 tration panel pursuant to subdivision 4 of section 209 of the civil  
56 service law, no member of the security services collective negotiating

A. 8955

9

1 unit to whom the provisions of this act apply shall be entitled to, or  
2 owed, any interest or other penalty for any reason on any monies due to  
3 such member pursuant to the terms of this act and the terms of the  
4 interest arbitration award issued by the public arbitration panel pursu-  
5 ant to subdivision 4 of section 209 of the civil service law.

6 § 16. Use of appropriations. Notwithstanding any provision of the  
7 state finance law or any other provision of law to the contrary, the  
8 state comptroller is authorized to pay any amounts required by the fore-  
9 going provisions of this act. To the extent that existing appropriations  
10 available to any state department or agency in any fund are insufficient  
11 to accomplish the purposes set forth in this section, the director of  
12 the budget is authorized to allocate to the various departments and  
13 agencies, from any appropriations available in any fund, the amounts  
14 necessary to make such payments. Any appropriations or other funds  
15 available to any state department or agency for personal service or for  
16 other related employee benefits during the fiscal year commencing April  
17 1, 2009 shall be available for the payment of any liabilities or obli-  
18 gations incurred pursuant to the foregoing provisions of this act,  
19 whether occurred prior to or during the State fiscal year commencing  
20 April 1, 2009.

21 § 17. Appropriations. Notwithstanding any provision of the state  
22 finance law or any other provision of law to the contrary, the several  
23 amounts as hereinafter set forth in this section, or so much thereof as  
24 may be necessary, are hereby appropriated from the fund so designated  
25 for use by any state department or agency for the fiscal year beginning  
26 April 1, 2009 to supplement appropriations from each respective fund  
27 available for personal service, other than personal service and fringe  
28 benefits, and to carry out the provisions of this act. The monies hereby  
29 appropriated are available for payment of any liabilities or obligations  
30 incurred prior to April 1, 2009 in addition to liabilities or obli-  
31 gations associated with the state fiscal year commencing April 1, 2009.  
32 For this purpose, these appropriations shall remain in full force and  
33 effect for the payment of liabilities incurred on or before April 1,  
34 2009. No money shall be available for expenditure from this appropri-  
35 ation until a certificate of approval has been issued by the director of  
36 the budget and a copy of such certificate or any amendment thereto has  
37 been filed with the state comptroller, the chairperson of the senate  
38 finance committee and the chairperson of the assembly ways and means  
39 committee.

40 ALL STATE DEPARTMENTS AND AGENCIES

41 General Fund / State Operations  
42 State Purposes Account 003

43 PERSONAL SERVICE

44 Personal service - regular ..... \$181,392,000  
45 Other compensation, including but not limit-  
46 ed to, overtime, holiday pay, longevities,  
47 security enforcement differential,  
48 location, inconvenience pay ..... \$111,963,000

A. 8955

10

1

NONPERSONAL SERVICE

2	Fringe benefits .....	\$22,442,000
3	Labor Management Committees .....	\$3,142,000
4	Employee assistance program .....	\$400,000
5	Joint committee on health benefits .....	\$294,000
6	Contract administration .....	\$200,000
7	Employee Benefit Fund .....	\$313,000

8 § 18. This act shall take effect immediately and shall be deemed to have  
 9 been in full force and effect on and after April 1, 2007.

REPEAL NOTE.--Paragraph g of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security services who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in subparagraphs 1 and 2 of a new paragraph g of subdivision 1 of section 130 of the civil service law.

---