New York State Office of the State Comptroller
Thomas P. DiNapoli

New York State and Local Retirement System

Employees' Retirement System
Police and Fire Retirement System

2012 Retirement Legislation

A Message from Comptroller Thomas P. DiNapoli

Every year, the Legislature passes new laws that affect the New York State and Local Retirement System (NYSLRS) and other State public retirement systems.

This publication covers retirement and retirement-related legislation enacted or vetoed during the 2012 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers, members, retirees and beneficiaries. Sections III and IV cover legislation affecting the other New York State public retirement systems.

I hope you find this 2012 Retirement Legislation publication to be a useful reference.

Sincerely,

Thomas P. DiNapoli
State Comptroller

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15	9	An act to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of members of the agency police services unit (formerly the agency law enforcement services unit); to amend the state finance law, in relation to the employee benefit fund for certain members of the agency police services unit; to implement an agreement between the state and the employee organization representing the members of the agency police services unit; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal certain provisions of the civil service law relating thereto [**S.6610/A.9459**]
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131	108	Relates to specifying the time frame under which the village of Southampton shall pay certain retirement costs [**A.9182/S.6382**]
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145	114	Authorizes the reopening of the twenty-five year retirement benefit plan to certain deputy sheriffs of Sullivan county who failed to make a timely election thereof [**A.9566/S.6780**]
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325	176	Authorizes persons rendering services to certain development corporations or centers to continue to receive credit in the State and Local Employees' Retirement System [**A.10017/S.7751**]
391	178	Makes permanent provisions that permit certain members of public retirement systems to receive partial lump sum distributions upon retirement [**A.9889/S.7074**]

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Section I

Legislation Affecting the New York State and Local Retirement System

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STATE OF NEW YORK

8668--A

2011-2012 Regular Sessions

IN ASSEMBLY

October 27, 2011

Introduced by M. of A. SILVER, FARRELL, CANESTRARI, LAVINE, WEINSTEIN, ENGLEBRIGHT, GLICK, MORELLE, P. RIVERA, CAHILL -- Multi-Sponsored by -- M. of A. ABINANTI, BENEDETTO, BRAUNSTEIN, BRINDISI, COLTON, COOK, CRESPO, CYMBROWITZ, DINOWITZ, ESPINAL, GABRYSZAK, GOLDFEDER, GOTTFRIED, HOOPER, JACOBS, JAFFEE, LANCMAN, LATIMER, LIFTON, LINARES, LUPARDO, MAGEE, MAISEL, MARKEY, McENENY, NOLAN, ORTIZ, PAULIN, PEOPLES-STOKES, REILLY, ROBERTS, RYAN, SCARBOROUGH, SCHIMEL, SIMANOWITZ, SIMOTAS, SPANO, SWEENEY, THIELE, TITONE, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law and the general municipal law, in relation to enacting the Iran divestment act of 2012

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

1 Section 1. This act shall be known and may be cited as the "Iran
2 Divestment Act of 2012".
3 § 2. The legislature hereby finds and declares all of the following:
4 (a) Congress and the President have determined that the illicit nucle-
5 ar activities of the Government of Iran, combined with its development
6 of unconventional weapons and ballistic missiles, and its support of
7 international terrorism, represent a serious threat to the security of
8 the United States, Israel, and other United States allies in Europe, the
9 Middle East, and around the world.
10 (b) The International Atomic Energy Agency has repeatedly called
11 attention to Iran's unlawful nuclear activities, and, as a result, the
12 United Nations Security Council has adopted a range of sanctions
13 designed to encourage the government of Iran to cease those activities
14 and comply with its obligations under the Treaty on the Non-Prolifera-
15 tion of Nuclear Weapons (commonly known as the "Nuclear Non-Prolifera-
16 tion Treaty").

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

LBD13338-12-1

(c) On July 1, 2010, President Barack Obama signed into law H.R. 2194, the "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010" (Public Law 111-195), which expressly authorizes states and local governments to prevent investment in, including prohibiting entry into or renewing contracts with, companies operating in Iran's energy sector with investments that have the result of directly or indirectly supporting the efforts of the government of Iran to achieve nuclear weapons capability.

(d) The serious and urgent nature of the threat from Iran demands that states, local governments, and private institutions work together with the federal government and American allies to do everything possible diplomatically, politically, and economically to prevent Iran from acquiring a nuclear weapons capability.

(e) Respect for human rights in Iran has steadily deteriorated as demonstrated by transparently fraudulent elections and the brutal repression and murder, arbitrary arrests, and show trials of peaceful dissidents.

(f) The concerns of the state of New York regarding Iran are strictly the result of the actions of the government of Iran and should not be construed as enmity towards the Iranian people.

(g) In order to effectively address the need for the governments of this state to respond to the policies of Iran in a uniform fashion, prohibiting contracts with persons engaged in investment activities in the energy sector of Iran must be accomplished on a statewide basis.

(h) It is the intent of the legislature to fully implement the authority granted under Section 202 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195).

§ 3. The state finance law is amended by adding a new section 165-a to read as follows:

§ 165-a. Iran divestment. 1. As used in this section, the following definitions shall apply:

(a) "Energy sector" of Iran means activities to develop petroleum or natural gas resources or nuclear power in Iran.

(b) "Financial institution" means the term as used in Section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(c) "Investment" means a commitment or contribution of funds or property, a loan or other extension of credit; and the entry into or renewal of a contract for goods or services.

(d) "Iran" includes the government of Iran and any agency or instrumentality of Iran.

(e) "Person" means any of the following:

(1) A natural person, corporation, company, limited liability company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group.

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3)).

(3) Any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph one or two of this paragraph.

2. For purposes of this section, a person engages in investment activities in Iran if:

(a) The person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil

or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

(b) The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to paragraph (b) of subdivision three of this section as a person engaging in investment activities in Iran as described in paragraph (a) of this subdivision.

3. (a) A person that is identified on a list created pursuant to paragraph (b) of this subdivision as a person engaging in investment activities in Iran as described in subdivision two of this section, shall not be deemed a responsive bidder or offerer pursuant to section one hundred sixty-three of this article.

(b) (1) Not later than one hundred twenty days after the effective date of this section, the commissioner shall develop or contract to develop, using credible information available to the public, a list of persons it determines engage in investment activities in Iran as described in subdivision two of this section. If the commissioner has contracted to develop the list, the list shall be finally developed not later than one hundred twenty days after this section shall take effect. Such list, when completed, shall be posted on the website of the office of general services.

(2) The commissioner shall update the list every one hundred eighty days.

(3) Before finalizing an initial list pursuant to subparagraph one of this paragraph or an updated list pursuant to subparagraph two of this paragraph, the commissioner shall do all of the following before a person is included on the list:

(A) Provide ninety days' written notice of the commissioner's intent to include the person on the list. The notice shall inform the person that inclusion on the list would make the person a non-responsive bidder or offerer. The notice shall specify that the person, if it ceases its engagement in investment activities in Iran as described in subdivision two of this section, may be removed from the list.

(B) The commissioner shall provide a person with an opportunity to comment in writing that it is not engaged in investment activities in Iran. If the person demonstrates to the commissioner that the person is not engaged in investment activities in Iran as described in subdivision two of this section, the person shall not be included on the list.

(4) The commissioner shall make every effort to avoid erroneously including a person on the list.

(5) A person that has a contract with the New York state common retirement fund, the New York state and local employees' retirement system, the New York state and local police and fire retirement system, or the New York state teachers' retirement system, shall not be deemed a person that engages in investment activities in Iran as described in subdivision two of this section on the basis of those contracts or investments with such retirement systems, provided however, that nothing in this subparagraph shall prevent the New York state common retirement fund, the New York state and local employees' retirement system, New York state and local police and fire retirement system or the New York state teachers' retirement system from pursuing a policy of divestment in the Iranian economy.

(c) Notwithstanding paragraph (a) of this subdivision, a state agency may permit a person engaged in investment activities in Iran as described by subdivision two of this section to be deemed a responsive bidder or offerer, on a case-by-case basis with a state agency if:

(1) The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

(2) The state agency makes a determination that the commodities or services are necessary for the state agency to perform its functions and that, absent such an exemption, the state agency would be unable to obtain the commodities or services for which the contract is offered. Such determination shall be entered into the procurement record.

4. (a) A state agency shall require a person that submits a bid or offer in response to a notice of procurement, or that proposes to renew an existing procurement contract with a state agency or proposes to assume the responsibility of a contractor pursuant to a procurement contract with a state agency or otherwise proposes to enter into a contract with a state agency with respect to a contract for commodities, services, construction, or contracts entered pursuant to sections six and seven of the New York state printing and public documents law, section eight of the public buildings law, or section thirty-eight of the highway law, to certify, at the time the bid is submitted or the contract is renewed or assigned, that the person or the assignee is not identified on a list created pursuant to paragraph (b) of subdivision three of this section. A state agency shall include certification information in the procurement record.

(b) A person that submits a bid or offer in response to a notice of procurement or that proposes to renew an existing procurement contract with a state agency or proposes to assume the responsibility of a contractor pursuant to a procurement contract with a state agency, or otherwise proposes to enter into a contract with a state agency with respect to a contract for commodities, services, construction, or contracts entered pursuant to sections six and seven of the New York state printing and public documents law, section eight of the public buildings law, or section thirty-eight of the highway law shall not utilize, on the contract with the state agency, any subcontractor that is identified on a list created pursuant to paragraph (b) of subdivision three of this section.

5. Upon receiving information that a person who has made the certification required by subdivision four of this section is in violation thereof, the state agency shall review such information and offer the person an opportunity to respond. If the person fails to demonstrate that is has ceased its engagement in the investment which is in violation of this act within ninety days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages or declaring the contractor in default.

6. The commissioner shall report to the governor and the legislature annually on or before October first, on the status of the federal "Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010" (Public Law 111-195), "the Iran divestment act of 2012", and any rules or regulations adopted thereunder.

§ 4. The general municipal law is amended by adding a new section 103-g to read as follows:

§ 103-g. Iranian energy sector divestment. 1. As used in this section:

a. "Energy sector" shall have the same meaning as defined in paragraph (a) of subdivision one of section one hundred sixty-five-a of the state finance law.

b. "Financial institution" shall have the same meaning as defined in paragraph (b) of subdivision one of section one hundred sixty-five-a of the state finance law.

c. "Investment" shall have the same meaning as defined in paragraph (c) of subdivision one of section one hundred sixty-five-a of the state finance law.

d. "Iran" shall have the same meaning as defined in paragraph (d) of subdivision one of section one hundred sixty-five-a of the state finance law.

e. "Person" shall have the same meaning as defined in paragraph (e) of subdivision one of section one hundred sixty-five-a of the state finance law.

2. For purposes of this section, a person engages in investment activities in Iran if:

a. The person provides goods or services of twenty million dollars or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

b. The person is a financial institution that extends twenty million dollars or more in credit to another person, for forty-five days or more, if that person will use the credit to provide goods or services in the energy sector in Iran.

3. A person that is identified on a list created pursuant to paragraph (b) of subdivision three of section one hundred sixty-five-a of the state finance law as a person engaging in investment activities in Iran as described in subdivision two of this section, shall not be deemed a responsible bidder or offerer pursuant to section one hundred three of this article.

4. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury:

a. "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law."

b. Notwithstanding paragraph a of this subdivision, the statement of non-investment in the Iranian energy sector may be submitted electronically in accordance with the provisions of subdivision one of section one hundred three of this article.

c. A bid shall not be considered for award nor shall any award be made where the condition set forth in paragraph a of this subdivision has not been complied with; provided, however, that if in any case the bidder

cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of this subdivision on a case-by-case basis if:

(1) The investment activities in Iran were made before the effective date of this section, the investment activities in Iran have not been expanded or renewed after the effective date of this section, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

(2) The political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

§ 5. The secretary of state shall submit to the attorney general of the United States a written notice describing this act within 30 days after the effective date of this act.

§ 6. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 7. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

STATE OF NEW YORK

6610

IN SENATE

March 2, 2012

Introduced by Sen. ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of members of the agency police services unit (formerly the agency law enforcement services unit); to amend the state finance law, in relation to the employee benefit fund for certain members of the agency police services unit; to implement an agreement between the state and the employee organization representing the members of the agency police services unit; making an appropriation for the purpose of effectuating certain provisions thereof; and to repeal 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:

Section 1. Paragraphs h and i of subdivision 1 of section 130 of the civil service law, are REPEALED and a new paragraph h is added to read as follows:

h. Pursuant to the terms of an agreement entered into pursuant to article fourteen of the civil service law between the state and an employee organization covering members of the collective negotiating unit designated as the agency police services unit, effective on the dates indicated, salary grades for such unit members shall be as follows:

(1) Effective April first, two thousand five:

APSU SALARY SCHEDULE
Effective April 1, 2005

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Advance Step 5

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

LBD12112-02-2

1	21345	22175	23005	23835	24665	25495
2	22067	22941	23815	24689	25563	26437
3	23075	23987	24899	25811	26723	27635
4	24044	25005	25966	26927	27888	28849
5	25110	26121	27132	28143	29154	30165
6	26345	27407	28469	29531	30593	31655
7	27749	28856	29963	31070	32177	33284
8	29226	30375	31524	32673	33822	34971
9	30772	31971	33170	34369	35568	36767
10	32432	33693	34954	36215	37476	38737
11	34258	35570	36882	38194	39506	40818
12	36078	37447	38816	40185	41554	42923
13	38140	39571	41002	42433	43864	45295
14	40244	41744	43244	44744	46244	47744
15	42471	44031	45591	47151	48711	50271
16	44780	46410	48040	49670	51300	52930
17	47209	48926	50643	52360	54077	55794
18	49805	51607	53409	55211	57013	58815
19	52436	54318	56200	58082	59964	61846
20	55047	57014	58981	60948	62915	64882
21	57925	59977	62029	64081	66133	68185
22	60937	63110	65283	67456	69629	71802
23	64148	66383	68618	70853	73088	75323
24	67533	69851	72169	74487	76805	79123
25	71212	73629	76046	78463	80880	83297

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	26325	830	27565	28806	31209	32450
2	27311	874	28623	29935	32410	33723
3	28547	912	29916	31285	33816	35185
4	29810	961	31250	32689	35291	36729
5	31176	1011	32690	34205	36882	38396
6	32717	1062	34312	35907	38666	40262
7	34391	1107	36049	37708	40529	42188
8	36120	1149	37844	39568	42452	44177
9	37966	1199	39768	41569	44534	46334
10	39998	1261	41886	43773	46822	48710
11	42130	1312	44095	46060	49189	51156
12	44292	1369	46349	48407	51624	53681
13	46726	1431	48868	51010	54315	56457
14	49244	1500	51488	53733	57139	59383
15	51831	1560	54169	56508	60006	62343
16	54560	1630	57004	59448	63051	65493
17	57511	1717	60082	62652	66385	68957
18	60617	1802	63320	66024	69889	72593
19	63728	1882	66549	69370	73354	76176
20	66849	1967	69802	72755	76868	79822
21	70237	2052	73315	76392	80631	83709
22	73975	2173	77230	80484	84900	88155
23	77558	2235	80912	84266	88779	92132
24	81441	2318	84916	88392	93031	96507
25	85714	2417	89338	92961	97749	101373

(2) Effective April first, two thousand six:

APSU SALARY SCHEDULE
Effective April 1, 2006

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	21932	22785	23638	24491	25344	26197
2	22674	23572	24470	25368	26266	27164
3	23710	24647	25584	26521	27458	28395
4	24705	25693	26681	27669	28657	29645
5	25801	26840	27879	28918	29957	30996
6	27069	28160	29251	30342	31433	32524
7	28512	29650	30788	31926	33064	34202
8	30030	31211	32392	33573	34754	35935
9	31618	32850	34082	35314	36546	37778
10	33324	34620	35916	37212	38508	39804
11	35200	36548	37896	39244	40592	41940
12	37070	38477	39884	41291	42698	44105
13	39189	40659	42129	43599	45069	46539
14	41351	42892	44433	45974	47515	49056
15	43639	45242	46845	48448	50051	51654
16	46011	47686	49361	51036	52711	54386
17	48507	50271	52035	53799	55563	57327
18	51175	53027	54879	56731	58583	60435
19	53878	55812	57746	59680	61614	63548
20	56561	58582	60603	62624	64645	66666
21	59518	61627	63736	65845	67954	70063
22	62613	64846	67079	69312	71545	73778
23	65912	68209	70506	72803	75100	77397
24	69390	71772	74154	76536	78918	81300
25	73170	75654	78138	80622	83106	85590

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	27050	853	28324	29599	32068	33343
2	28062	898	29410	30758	33301	34650
3	29332	937	30739	32145	34746	36153
4	30633	988	32113	33591	36265	37742
5	32035	1039	33591	35147	37898	39454
6	33615	1091	35254	36893	39728	41367
7	35340	1138	37044	38748	41647	43351
8	37116	1181	38887	40659	43622	45395
9	39010	1232	40862	42712	45759	47608
10	41100	1296	43040	44979	48112	50052
11	43288	1348	45307	47326	50541	52562
12	45512	1407	47626	49740	53046	55159
13	48009	1470	50210	52411	55807	58008
14	50597	1541	52903	55209	58709	61015
15	53257	1603	55659	58063	61657	64058

16	56061	1675	58572	61083	64786	67295
17	59091	1764	61733	64373	68209	70852
18	62287	1852	65064	67843	71814	74592
19	65482	1934	68381	71279	75373	78272
20	68687	2021	71721	74755	78982	82017
21	72172	2109	75335	78496	82852	86014
22	76011	2233	79356	82699	87236	90581
23	79694	2297	83140	86586	91224	94669
24	83682	2382	87253	90824	95591	99162
25	88074	2484	91798	95520	100440	104164

(3) Effective April first, two thousand seven:

APSU SALARY SCHEDULE
Effective April 1, 2007

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step
1	22590	23469	24348	25227	26106	26985
2	23354	24279	25204	26129	27054	27979
3	24421	25386	26351	27316	28281	29246
4	25446	26464	27482	28500	29518	30536
5	26575	27645	28715	29785	30855	31925
6	27881	29005	30129	31253	32377	33501
7	29367	30539	31711	32883	34055	35227
8	30931	32147	33363	34579	35795	37011
9	32567	33836	35105	36374	37643	38912
10	34324	35659	36994	38329	39664	40999
11	36256	37645	39034	40423	41812	43201
12	38182	39631	41080	42529	43978	45427
13	40365	41879	43393	44907	46421	47935
14	42592	44179	45766	47353	48940	50527
15	44948	46599	48250	49901	51552	53203
16	47391	49116	50841	52566	54291	56016
17	49962	51779	53596	55413	57230	59047
18	52710	54618	56526	58434	60342	62250
19	55494	57486	59478	61470	63462	65454
20	58258	60340	62422	64504	66586	68668
21	61304	63476	65648	67820	69992	72164
22	64491	66791	69091	71391	73691	75991
23	67889	70255	72621	74987	77353	79719
24	71472	73925	76378	78831	81284	83737
25	75365	77924	80483	83042	85601	88160

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	27864	879	29176	30489	33033	34346
2	28904	925	30292	31681	34300	35690
3	30211	965	31660	33108	35787	37237
4	31554	1018	33078	34601	37355	38876

5	32995	1070	34598	36200	39034	40637
6	34625	1124	36313	38001	40921	42610
7	36399	1172	38154	39909	42895	44650
8	38227	1216	40051	41876	44928	46754
9	40181	1269	42089	43994	47132	49037
10	42334	1335	44332	46329	49556	51555
11	44590	1389	46670	48749	52061	54142
12	46876	1449	49053	51231	54636	56812
13	49449	1514	51716	53983	57481	59748
14	52114	1587	54489	56864	60469	62845
15	54854	1651	57328	59804	63506	65979
16	57741	1725	60327	62914	66728	69312
17	60864	1817	63585	66304	70256	72978
18	64158	1908	67018	69881	73971	76832
19	67446	1992	70432	73417	77634	80620
20	70750	2082	73875	77000	81354	84480
21	74336	2172	77594	80850	85336	88593
22	78291	2300	81736	85180	89853	93298
23	82085	2366	85634	89184	93961	97509
24	86190	2453	89868	93546	98456	102134
25	90719	2559	94555	98388	103456	107292

(4) Effective April first, two thousand eight:

APSU SALARY SCHEDULE
Effective April 1, 2008

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	23268	24173	25078	25983	26888	27793
2	24055	25008	25961	26914	27867	28820
3	25154	26148	27142	28136	29130	30124
4	26209	27258	28307	29356	30405	31454
5	27372	28474	29576	30678	31780	32882
6	28717	29875	31033	32191	33349	34507
7	30248	31455	32662	33869	35076	36283
8	31859	33112	34365	35618	36871	38124
9	33544	34851	36158	37465	38772	40079
10	35354	36729	38104	39479	40854	42229
11	37344	38775	40206	41637	43068	44499
12	39327	40820	42313	43806	45299	46792
13	41576	43135	44694	46253	47812	49371
14	43870	45505	47140	48775	50410	52045
15	46296	47997	49698	51399	53100	54801
16	48813	50590	52367	54144	55921	57698
17	51461	53333	55205	57077	58949	60821
18	54291	56256	58221	60186	62151	64116
19	57159	59211	61263	63315	65367	67419
20	60006	62151	64296	66441	68586	70731
21	63143	65380	67617	69854	72091	74328
22	66426	68795	71164	73533	75902	78271
23	69926	72363	74800	77237	79674	82111

24	73616	76143	78670	81197	83724	86251
25	77626	80262	82898	85534	88170	90806

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	28698	905	30049	31402	34022	35374
2	29773	953	31203	32633	35331	36763
3	31118	994	32610	34102	36861	38355
4	32503	1049	34073	35641	38478	40045
5	33984	1102	35635	37285	40204	41855
6	35665	1158	37404	39142	42150	43890
7	37490	1207	39298	41105	44181	45989
8	39377	1253	41256	43135	46279	48160
9	41386	1307	43351	45313	48546	50508
10	43604	1375	45662	47719	51043	53102
11	45930	1431	48072	50214	53625	55769
12	48285	1493	50527	52771	56278	58519
13	50930	1559	53265	55600	59203	61538
14	53680	1635	56126	58573	62286	64733
15	56502	1701	59050	61601	65414	67961
16	59475	1777	62139	64803	68732	71393
17	62693	1872	65496	68296	72367	75170
18	66081	1965	69027	71976	76188	79135
19	69471	2052	72547	75621	79965	83040
20	72876	2145	76095	79314	83798	87018
21	76565	2237	79921	83274	87895	91250
22	80640	2369	84188	87736	92549	96097
23	84548	2437	88203	91860	96780	100435
24	88778	2527	92566	96355	101412	105200
25	93442	2636	97393	101341	106561	110512

(5) Effective April first, two thousand nine:

APSU SALARY SCHEDULE
Effective April 1, 2009

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	23966	24898	25830	26762	27694	28626
2	24777	25759	26741	27723	28705	29687
3	25909	26933	27957	28981	30005	31029
4	26995	28076	29157	30238	31319	32400
5	28193	29328	30463	31598	32733	33868
6	29579	30772	31965	33158	34351	35544
7	31155	32398	33641	34884	36127	37370
8	32815	34106	35397	36688	37979	39270
9	34550	35896	37242	38588	39934	41280
10	36415	37831	39247	40663	42079	43495
11	38464	39938	41412	42886	44360	45834
12	40507	42045	43583	45121	46659	48197

13	42823	44429	46035	47641	49247	50853
14	45186	46870	48554	50238	51922	53606
15	47685	49437	51189	52941	54693	56445
16	50277	52107	53937	55767	57597	59427
17	53005	54933	56861	58789	60717	62645
18	55920	57944	59968	61992	64016	66040
19	58874	60988	63102	65216	67330	69444
20	61806	64015	66224	68433	70642	72851
21	65037	67341	69645	71949	74253	76557
22	68419	70859	73299	75739	78179	80619
23	72024	74534	77044	79554	82064	84574
24	75824	78427	81030	83633	86236	88839
25	79955	82670	85385	88100	90815	93530

SG	Job Rate	Perf. Adv.	10-yr. Long Step	15-yr. Long Step	20-yr. Long Step	Long Max. 25-yr. Long Step
1	29558	932	30950	32343	35042	36434
2	30669	982	32142	33615	36394	37869
3	32053	1024	33590	35127	37968	39507
4	33481	1081	35098	36713	39635	41249
5	35003	1135	36704	38403	41410	43110
6	36737	1193	38528	40318	43417	45209
7	38613	1243	40475	42336	45505	47367
8	40561	1291	42496	44432	47670	49607
9	42626	1346	44650	46671	50001	52022
10	44911	1416	47031	49149	52573	54694
11	47308	1474	49514	51721	55234	57442
12	49735	1538	52044	54356	57968	60276
13	52459	1606	54864	57269	60980	63385
14	55290	1684	57809	60330	64154	66675
15	58197	1752	60821	63449	67376	70000
16	61257	1830	64001	66745	70792	73533
17	64573	1928	67460	70344	74537	77424
18	68064	2024	71098	74136	78474	81510
19	71558	2114	74726	77893	82367	85534
20	75060	2209	78376	81691	86310	89626
21	78861	2304	82318	85771	90531	93987
22	83059	2440	86713	90368	95325	98980
23	87084	2510	90849	94615	99683	103448
24	91442	2603	95344	99246	104455	108357
25	96245	2715	100315	104381	109758	113827

(6) Effective April first, two thousand ten:

APSU SALARY SCHEDULE
Effective April 1, 2010

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	24925	25894	26863	27832	28801	29770

2	25768	26789	27810	28831	29852	30873
3	26945	28010	29075	30140	31205	32270
4	28075	29199	30323	31447	32571	33695
5	29321	30501	31681	32861	34041	35221
6	30762	32003	33244	34485	35726	36967
7	32401	33694	34987	36280	37573	38866
8	34128	35471	36814	38157	39500	40843
9	35932	37332	38732	40132	41532	42932
10	37872	39345	40818	42291	43764	45237
11	40003	41536	43069	44602	46135	47668
12	42127	43727	45327	46927	48527	50127
13	44536	46206	47876	49546	51216	52886
14	46993	48745	50497	52249	54001	55753
15	49592	51414	53236	55058	56880	58702
16	52288	54191	56094	57997	59900	61803
17	55125	57130	59135	61140	63145	65150
18	58157	60262	62367	64472	66577	68682
19	61229	63428	65627	67826	70025	72224
20	64278	66575	68872	71169	73466	75763
21	67638	70034	72430	74826	77222	79618
22	71156	73694	76232	78770	81308	83846
23	74905	77515	80125	82735	85345	87955
24	78857	81564	84271	86978	89685	92392
25	83153	85977	88801	91625	94449	97273

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	30739	969	32187	33635	36442	37890
2	31894	1021	33426	34958	37848	39382
3	33335	1065	34933	36532	39487	41087
4	34819	1124	36501	38180	41219	42898
5	36401	1180	38170	39937	43064	44832
6	38208	1241	40071	41932	45155	47019
7	40159	1293	42095	44031	47327	49263
8	42186	1343	44198	46212	49579	51594
9	44332	1400	46437	48539	52002	54104
10	46710	1473	48915	51118	54678	56884
11	49201	1533	51495	53791	57444	59740
12	51727	1600	54128	56533	60289	62690
13	54556	1670	57057	59558	63418	65919
14	57505	1752	60125	62747	66724	69345
15	60524	1822	63253	65986	70070	72799
16	63706	1903	66560	69414	73622	76473
17	67155	2005	70157	73157	77518	80520
18	70787	2105	73942	77102	81613	84771
19	74423	2199	77718	81011	85664	88958
20	78060	2297	81509	84956	89760	93209
21	82014	2396	85609	89200	94151	97745
22	86384	2538	90184	93985	99141	102942
23	90565	2610	94481	98397	103668	107584
24	95099	2707	99157	103215	108633	112691
25	100097	2824	104330	108558	114151	118382

(7) Effective March thirty-first, two thousand eleven:

APSU SALARY SCHEDULE
Effective March 31, 2011

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	27550	28519	29488	30457	31426	32395
2	28393	29414	30435	31456	32477	33498
3	29570	30635	31700	32765	33830	34895
4	30700	31824	32948	34072	35196	36320
5	31946	33126	34306	35486	36666	37846
6	33387	34628	35869	37110	38351	39592
7	35026	36319	37612	38905	40198	41491
8	36753	38096	39439	40782	42125	43468
9	38557	39957	41357	42757	44157	45557
10	40497	41970	43443	44916	46389	47862
11	42628	44161	45694	47227	48760	50293
12	44752	46352	47952	49552	51152	52752
13	47161	48831	50501	52171	53841	55511
14	49618	51370	53122	54874	56626	58378
15	52217	54039	55861	57683	59505	61327
16	54913	56816	58719	60622	62525	64428
17	57750	59755	61760	63765	65770	67775
18	60782	62887	64992	67097	69202	71307
19	63854	66053	68252	70451	72650	74849
20	66903	69200	71497	73794	76091	78388
21	70263	72659	75055	77451	79847	82243
22	73781	76319	78857	81395	83933	86471
23	77530	80140	82750	85360	87970	90580
24	81482	84189	86896	89603	92310	95017
25	85778	88602	91426	94250	97074	99898

SG	Job Step	Perf. Step	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	33364	969	34812	36260	39067	40515
2	34519	1021	36051	37583	40473	42007
3	35960	1065	37558	39157	42112	43712
4	37444	1124	39126	40805	43844	45523
5	39026	1180	40795	42562	45689	47457
6	40833	1241	42696	44557	47780	49644
7	42784	1293	44720	46656	49952	51888
8	44811	1343	46823	48837	52204	54219
9	46957	1400	49062	51164	54627	56729
10	49335	1473	51540	53743	57303	59509
11	51826	1533	54120	56416	60069	62365
12	54352	1600	56753	59158	62914	65315
13	57181	1670	59682	62183	66043	68544
14	60130	1752	62750	65372	69349	71970
15	63149	1822	65878	68611	72695	75424

16	66331	1903	69185	72039	76247	79098
17	69780	2005	72782	75782	80143	83145
18	73412	2105	76567	79727	84238	87396
19	77048	2199	80343	83636	88289	91583
20	80685	2297	84134	87581	92385	95834
21	84639	2396	88234	91825	96776	100370
22	89009	2538	92809	96610	101766	105567
23	93190	2610	97106	101022	106293	110209
24	97724	2707	101782	105840	111258	115316
25	102722	2824	106955	111183	116776	121007

(8) Effective April first, two thousand fourteen:

APSU SALARY SCHEDULE
Effective April 1, 2014

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	28101	29089	30077	31065	32053	33041
2	28961	30002	31043	32084	33125	34166
3	30161	31247	32333	33419	34505	35591
4	31314	32461	33608	34755	35902	37049
5	32585	33789	34993	36197	37401	38605
6	34055	35321	36587	37853	39119	40385
7	35727	37046	38365	39684	41003	42322
8	37488	38858	40228	41598	42968	44338
9	39328	40756	42184	43612	45040	46468
10	41307	42810	44313	45816	47319	48822
11	43481	45045	46609	48173	49737	51301
12	45647	47279	48911	50543	52175	53807
13	48104	49808	51512	53216	54920	56624
14	50610	52397	54184	55971	57758	59545
15	53261	55120	56979	58838	60697	62556
16	56011	57952	59893	61834	63775	65716
17	58905	60950	62995	65040	67085	69130
18	61998	64145	66292	68439	70586	72733
19	65131	67374	69617	71860	74103	76346
20	68241	70584	72927	75270	77613	79956
21	71668	74112	76556	79000	81444	83888
22	75257	77846	80435	83024	85613	88202
23	79081	81743	84405	87067	89729	92391
24	83112	85873	88634	91395	94156	96917
25	87494	90374	93254	96134	99014	101894

	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	34029	988	35506	36983	39846	41323
2	35207	1041	36770	38332	41280	42845
3	36677	1086	38307	39938	42952	44584
4	38196	1147	39912	41624	44724	46437
5	39809	1204	41613	43416	46605	48409

6	**41651**	**1266**	**43551**	**45449**	**48737**	**50638**
7	**43641**	**1319**	**45616**	**47590**	**50952**	**52927**
8	**45708**	**1370**	**47760**	**49815**	**53249**	**55304**
9	**47896**	**1428**	**50043**	**52187**	**55719**	**57863**
10	**50325**	**1503**	**52574**	**54821**	**58452**	**60702**
11	**52865**	**1564**	**55205**	**57547**	**61273**	**63615**
12	**55439**	**1632**	**57888**	**60341**	**64172**	**66621**
13	**58328**	**1704**	**60879**	**63430**	**67367**	**69918**
14	**61332**	**1787**	**64004**	**66679**	**70735**	**73409**
15	**64415**	**1859**	**67199**	**69986**	**74152**	**76936**
16	**67657**	**1941**	**70568**	**73479**	**77771**	**80679**
17	**71175**	**2045**	**74237**	**77297**	**81745**	**84807**
18	**74880**	**2147**	**78098**	**81321**	**85923**	**89144**
19	**78589**	**2243**	**81950**	**85309**	**90055**	**93415**
20	**82299**	**2343**	**85817**	**89333**	**94233**	**97751**
21	**86332**	**2444**	**89999**	**93662**	**98712**	**102378**
22	**90791**	**2589**	**94667**	**98544**	**103803**	**107680**
23	**95053**	**2662**	**99047**	**103042**	**108418**	**112412**
24	**99678**	**2761**	**103817**	**107956**	**113483**	**117622**
25	**104774**	**2880**	**109092**	**113404**	**119109**	**123425**

§ 2. Paragraph j of subdivision 1 of section 130 of the civil service law is relettered paragraph i.

§ 3. Paragraph (a) of subdivision 6 of section 131 of the civil service law, as amended by chapter 4 of the laws of 2007, is amended to read as follows:

(a) An employee holding a position allocated to one of the salary grades prescribed in paragraphs a, b, c, e, **f,** g, h[~~**, i or j**~~] **or i** of subdivision one of section one hundred thirty of this article whose basic annual salary is less than the job rate of such salary grade may receive periodic performance advancement payments based on periodic evaluations of work performance in accordance with the terms of agreements between the state and employee organizations reached pursuant to article fourteen of this chapter and rules and regulations promulgated by the director of the budget; provided, however, that in no event may such a payment result in a basic annual salary in excess of the job rate of such grade. Such payments shall be part of the employee's basic annual salary.

§ 4. Subdivision 2 of section 207-d of the state finance law, as added by chapter 114 of the laws of 2006, is amended to read as follows:

2. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law between the state and an employee organization so provides on behalf of employees in the collective negotiating unit designated as the agency [~~**law enforcement**~~] **police** services unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement or award providing for such employee benefit fund, such amount to be determined consistent with said agreement or award on the basis of the number of full-time annual salaried employees, as determined by the comptroller, [~~**on the payroll on the last day of the payroll period in which March first, two thousand three falls for payments to be made on April first, two thousand three and on the last day of the payroll period**~~

~~in which March first, two thousand four falls for payments to be made on April first, two thousand four~~] **on the payroll on March first, two thousand eleven for payments to be made on April first, two thousand eleven, on the payroll on March first, two thousand twelve for payments to be made on April first, two thousand twelve, on the payroll on March first, two thousand thirteen for payments to be made on April first, two thousand thirteen, and on the payroll on March first, two thousand fourteen for payments to be made on April first, two thousand fourteen**. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The director [~~may~~] **shall** enter into an agreement with an employee organization which sets forth the specific terms and conditions for the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section.

§ 5. Subdivision 3 of section 154-b of the civil service law, as amended by chapter 578 of the laws of 1988, is amended to read as follows:

3. Notwithstanding any law, rule or regulation to the contrary, where an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides on behalf of employees in positions serving in the collective negotiating units designated as the security services unit**, agency police services unit** and the security supervisors unit, the state shall establish a special education fund to provide the child or children as designated by the workers' compensation board to receive a death benefit pursuant to the workers' compensation law of such employees who, subsequent to April first, nineteen hundred eighty-five, die under circumstances as defined in such agreement with full tuition up to the amount charged for an undergraduate college or university by the state university of New York to attend any college or university provided, however, such child or children as so designated meet the entrance requirements of such college or university. The special education fund shall be funded at a level and for the period of time as determined by such agreement and any interest or other earnings attributable to the money held in such fund shall be utilized with such money for the purpose set forth in this subdivision.

§ 6. Subdivision 8 of section 154-b of the civil service law, as amended by chapter 578 of the laws of 1988, is amended to read as follows:

8. Notwithstanding any other law, rule or regulation to the contrary, where an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter so provides on behalf of employees in positions serving in the collective negotiating units designated as the security services unit**, agency police services unit** and the security supervisors unit, a survivor's benefit for a state employee in a position represented by such employee organization shall be paid in an amount as provided in such agreement in the event that such employee dies subsequent to April first, nineteen hundred eighty-five, as the result of an accidental on-the-job injury or disease provided that it is finally determined by the appropriate federal authorities that a public safety officer's death benefit is not payable pursuant to sections three thousand seven hundred ninety-six through three thousand seven hundred ninety-six-c of title forty-two of the United States Code, and provided further that a death benefit is paid pursuant to the workers' compen-

sation law. Such survivor's benefit shall be paid to the employee's surviving spouse and dependent children who are designated by the workers' compensation board to receive a death benefit or portion thereof in the same proportion as the death benefit provided by the workers' compensation law is paid. In the event that the employee is not survived by a spouse or dependent children, the survivor's benefit shall be paid to the estate of the employee. Such survivor's benefit shall be in addition to and not in place of any other survivor's or death benefit payable on behalf of such employee, except that such benefit shall not be payable if a public safety officer's death benefit is payable pursuant to sections three thousand seven hundred ninety-six through three thousand seven hundred ninety-six-c of the United States Code.

§ 7. Compensation for members of the collective negotiating unit designated as agency police services unit pursuant to an agreement between the state of New York and the employee organization representing such individuals.

1. The provisions of this section shall apply to all full-time officers and employees in the collective negotiating unit designated as the agency police services unit established pursuant to article fourteen of the civil service law.

2. Effective April 1, 2005, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2005 shall be increased by two and one-quarter percent.

3. Effective April 1, 2006, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2006 shall be increased by two and three-quarters percent.

4. Effective April 1, 2007, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2007 shall be increased by three percent.

5. Effective April 1, 2008, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2008 shall be increased by three percent.

6. Effective April 1, 2009, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2009 shall be increased by three percent.

7. Effective April 1, 2010, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2010 shall be increased by four percent.

8. Effective March 31, 2011, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 30, 2011 shall be increased by two thousand six hundred twenty-five dollars to reflect the items of uniform cleaning and maintenance or clothing allowance and security enforcement differential added to base salary.

9. (a) Effective April 1, 2013, a lump sum payment of seven hundred seventy-five dollars shall be made to each employee in the agency police services unit in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the agency police services unit, 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary. Notwithstanding the foregoing provisions of this

subdivision, officers and employees who would have otherwise been eligible to receive such lump sum payment, but who were not on the payroll on such date, shall be eligible for said payment if they return to full-time employment status during the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, a lump sum payment of two hundred twenty-five dollars shall be made to each employee in the agency police services unit in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the agency police services unit, 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary.

10. Effective April 1, 2014, the basic annual salary of all members of the agency police services unit who were in full-time annual salaried employment status on March 31, 2014 shall be increased by two percent.

11. Advancement within salary grade. Payments pursuant to the provisions of subdivision 6 of section 131 of civil service law for members of the agency police services unit shall be payable pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.

12. Effective April 1, 2005, pursuant to the terms of an agreement covering members of the agency police services unit, for such unit members who are on the institutional payroll, the ten-year, the fifteen-year, the twenty-year, and the twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by paragraph h of subdivision 1 of section 130 of the civil service law, as added by section one of this act.

13. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty year longevity step or the twenty-five year longevity step of his or her position on the effective dates of the increases provided in this section, such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five year longevity step, respectively, of such salary grade as contained in the appropriate salary schedule in subparagraphs (1), (2), (3), (4), (5), (6), (7) and (8) of paragraph h of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on the dates provided in subparagraphs (1), (2), (3), (4), (5), (6), (7) and (8), respectively. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, four, five, six, seven, eight and ten of this section.

14. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit members to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered.

Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.

15. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivision eleven, twelve, or thirteen of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

16. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis.

17. In order to provide for the officers and employees to whom this section applies who are not allocated to salary grades, performance advancements and payments in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries thereof for which adjustments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

18. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the division of the budget and the director of employee relations, such increase is not warranted or is not appropriate.

§ 8. Additional compensation for certain members of the agency police services collective negotiating unit. 1. In recognition of the general requirement for full-time employees of the state in the agency police services unit to assemble for briefing prior to the commencement of duties, where and to the extent an agreement so provides, each such employee except such an employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, shall receive additional compensation in recognition of pre-shift briefing at one and one-half times the hourly rate of pay provided for by subdivision 1 of section 134 of the civil service law and the rules and regulations of the director of the budget.

2. Members of the agency police services collective negotiating unit who are full-time annual salaried and are police officers pursuant to subdivision 34 of section 1.20 of the criminal procedure law, who are required, authorized and actually assemble for pre-shift briefing or line up before the commencement of their regular tour of duty shall continue to be paid for pre-shift briefing. However, employees of the department of environmental conservation who do not physically line up shall be paid the equivalent of pre-shift compensation for vehicle, equipment, office maintenance, and the handling of phone calls and home visitations received and instigated outside of the regular workday. This payment supplants any payments made to such employees for equipment storage. There shall be no payment of pre-shift briefing for any day in which any

employee who is a member of the agency police services unit, full-time annual salaried and a police officer pursuant to subdivision 34 of section 1.20 of the criminal procedure law is not physically reporting to work. There shall be no change in the payment for pre-shift briefing for all other members of the agency police services unit.

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

§ 9. Uniform cleaning and maintenance and clothing allowances. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried, in recognition of the general requirement for such unit members to whom the provisions of this section apply to wear a uniform, each such employee who is on the payroll on the first day of November preceding the annual effective date shall receive an increase in the allowance for cleaning and maintenance to the rate of six hundred thirty-nine dollars per year effective December 1, 2005. This amount shall increase to the rate of six hundred fifty-seven dollars per year effective December 1, 2006. This amount shall increase to the rate of six hundred seventy-seven dollars per year effective December 1, 2007. This amount shall increase to the rate of six hundred ninety-seven dollars per year effective December 1, 2008. This amount shall increase to the rate of seven hundred eighteen dollars per year effective December 1, 2009. This amount shall increase to the rate of seven hundred forty-seven dollars per year effective December 1, 2010. Such allowance shall be payable by separate check on or about December 1 of each specified year. Employees who are members of the agency police services unit and are classified as investigators or detectives shall not be eligible for an allowance for uniform cleaning and maintenance. Effective March 31, 2011, the allowance for cleaning and maintenance of uniforms for eligible members shall be increased to the rate of one thousand seventy-five dollars, added to the basic annual salary of those employees in payroll status on March 30, 2011, and thereafter eliminated as a separate payment. Such addition to basic annual salary on March 31, 2011 is specified in subdivision eight of section seven of this act.

2. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried and are classified as investigators or detectives, in recognition of the general requirement for such unit members to whom the provisions of this section apply to wear professional attire, each such employee who is on the payroll on the first day of November preceding the annual effective date shall receive an increase in the clothing allowance to the rate of one thousand twenty-three dollars per year effective December 1, 2005. This amount shall increase to the rate of one thousand fifty-one dollars per year effective December 1, 2006. This amount shall increase to the rate of one thousand eighty-three dollars per year effective December 1, 2007. This amount shall increase to the rate of one thousand one hundred fifteen dollars per year effective December 1, 2008. This amount shall increase to the rate of one thousand one hundred forty-eight dollars per year effective December 1, 2009. This amount

shall increase to the rate of one thousand one hundred ninety-four dollars per year effective December 1, 2010. Such allowance shall be payable by separate check on or about December 1 of each year. Effective March 31, 2011, the clothing allowance for eligible members shall be increased to the rate of one thousand four hundred seventy-five dollars, then reduced by one thousand seventy-five dollars with only four hundred dollars continuing as a separate clothing allowance payment. Effective March 31, 2011, the amount of one thousand seventy-five dollars that is eliminated from the clothing allowance shall be added to the basic annual salary of those eligible members in payroll status on March 30, 2011. Such addition to basic annual salary on March 31, 2011 is specified in subdivision eight of section seven of this act. The clothing allowance amount for eligible members shall thereafter exist at a rate of four hundred dollars per year effective December 1, 2011.

3. Any eligible unit member who is eligible to receive a payment pursuant to subdivision one of this section shall be ineligible to receive a payment pursuant to subdivision two of this section. Any eligible unit member who is eligible to receive a payment pursuant to subdivision two of this section shall be ineligible to receive a payment pursuant to subdivision one of this section.

§ 10. Location pay. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit, and notwithstanding any inconsistent provision of law, effective April 1, 2005, all members of this unit who are full-time annual salaried employees and whose principal place of employment, or, in the case of a field employee, whose official station is determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Rockland, Westchester, Nassau, or Suffolk shall receive an increase in location pay to the rate of one thousand three hundred two dollars. This payment shall be increased to the rate of one thousand three hundred thirty-eight dollars effective April 1, 2006. This payment shall be increased to the rate of one thousand three hundred seventy-eight dollars effective April 1, 2007. This payment shall be increased to the rate of one thousand four hundred nineteen dollars effective April 1, 2008. This payment shall be increased to the rate of one thousand four hundred sixty-two dollars effective April 1, 2009. This payment shall be increased to the rate of one thousand five hundred twenty dollars effective April 1, 2010.

2. The location pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law, provided, however, that location pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 11. Supplemental location pay. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit, and notwithstanding any inconsistent provision of law, all members of this unit who are full-time annual salaried employees and whose principal place of employment, or, in the case of a field employee, whose official station is determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk, shall receive supplemental location pay, in the following amounts:

	Orange/Putnam/ Dutchess	NYC/Rockland/ Westchester	Nassau/Suffolk
Effective April 1, 2005	$1,085	$1,627	$1,899
Effective April 1, 2006	$1,115	$1,672	$1,951
Effective April 1, 2007	$1,148	$1,722	$2,010
Effective April 1, 2008	$1,182	$1,774	$2,070
Effective April 1, 2009	$1,217	$1,827	$2,132
Effective April 1, 2010	$1,266	$1,900	$2,217

2. The supplemental location pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that supplemental location pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 12. Expanded duty pay. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, in recognition of the additional and continued duties and responsibilities performed by the police officers in this unit as a result of the September 11th terrorist attacks, and notwithstanding any provision of law, rule or regulation to the contrary, members of this unit shall continue to receive expanded duty pay in the amount of two thousand five hundred seventy-five dollars. Effective March 31, 2011, this amount shall be increased to three thousand seventy-five dollars. Expanded duty pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that expanded duty pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 13. Marine/off-road enforcement pay. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, effective April 1, 2005, all members of this unit who are employed by the office of parks, recreation and historic preservation or the department of environmental conservation shall continue to receive one thousand five hundred dollars per year in recognition of their expertise in marine and off-road enforcement. Marine/off-road enforcement pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that marine/off-road enforcement pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 14. Hazardous material pay. 1. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, effective April 1, 2005, all members who are employed by the department of environmental conservation, except for those in the forest ranger title series, shall continue to receive one thousand five hundred dollars per year in recognition of their expertise and handling of hazardous materials. Hazardous material pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that hazardous material pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

2. Hazardous material/fire management/search and rescue pay. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, effective April 1, 2005, all members who are employed by the department of environmental conservation in the forest ranger title series shall continue to receive one thousand five hundred dollars per year in recognition of their expertise and handling of hazardous materials. Hazardous material pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that hazardous material/fire management/search and rescue pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year.

§ 15. Security enforcement differential pay. Pursuant to the terms of an agreement covering members of the agency police services collective negotiating unit who are full-time annual salaried employees, and notwithstanding any provision of law, rule, or regulation to the contrary, effective April 1, 2005, the security enforcement differential rate shall be increased to five hundred eighty-eight dollars per year. This amount shall be increased to the rate of six hundred four dollars effective April 1, 2006. This amount shall be increased to the rate of six hundred twenty-two dollars effective April 1, 2007. This amount shall be increased to the rate of six hundred forty-one dollars effective April 1, 2008. This amount shall be increased to the rate of six hundred sixty dollars effective April 1, 2009. This amount shall be increased to the rate of six hundred eighty-six dollars effective April 1, 2010. Security enforcement differential pay as set out in this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that security enforcement differential pay shall be included as compensation for retirement purposes. This payment will be equally divided over the twenty-six payroll periods in each fiscal year. Effective March 31, 2011, the security enforcement differential rate shall be increased to the rate of one thousand five hundred fifty dollars, added to the basic annual salary of those employees in payroll status on March 30, 2011, and thereafter eliminated as a separate payment. Such addition to basic annual salary on March 31, 2011 is specified in subdivision eight of section seven of this act.

§ 16. Inconvenience pay program. Pursuant to chapter 333 of the laws of 1969, as amended, and an agreement negotiated between the state and the employee organization representing members of the agency police services unit, effective April 1, 2005, members of the agency police services unit shall receive an increase in inconvenience pay for an eligible employee to the rate of five hundred eleven dollars per year for working four or more hours between the hours of 6:00 p.m. and 6:00 a.m. This amount shall be increased to the rate of five hundred twenty-five dollars effective April 1, 2006. This amount shall be increased to the rate of five hundred forty-one dollars effective April 1, 2007. This amount shall be increased to the rate of five hundred fifty-seven dollars effective April 1, 2008. This amount shall be increased to the rate of five hundred seventy-four dollars effective April 1, 2009. This amount shall be increased to the rate of five hundred ninety-seven dollars effective April 1, 2010. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

§ 17. During the period April 1, 2011 through March 31, 2015, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as the agency police services unit established pursuant to article 14 of the civil service law which shall, with the amounts available therefore, study and make recommendations concerning major issue of employee assistance, performance evaluation, education and training, quality of work life, health benefits, and provide for the implementation of the terms of agreements of such committees.

§ 18. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit designated as the agency police services unit established pursuant to article 14 of the civil service law.

§ 19. Wherever the term "agency law enforcement services unit" appears in the consolidated or unconsolidated laws, rules or, regulations such term is hereby changed to "agency police services unit." The legislative bill drafting commission is hereby directed to effectuate this provision, and shall be guided by a memorandum of instruction setting forth the specific provisions of law to be amended. Such memorandum shall be transmitted to the legislative bill drafting commission within sixty days after the effective date of this section. Such memorandum shall be issued jointly by the governor, the temporary president of the senate and the speaker of the assembly, or by the delegate of each.

§ 20. Notwithstanding any provision of law, rule or regulation to the contrary, and where and to the extent an agreement negotiated between the state and the employee organization representing employees in the agency police services collective negotiating unit established pursuant to article 14 of the civil service law so provides, the salaries of newly hired employees on or after September 1, 1992 into state service in positions within said negotiating unit shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.

§ 21. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase in salary or compensation provided by this act of any member of the agency police services collective negotiating unit established

pursuant to article 14 of the civil service law who are full-time annual salaried employees and are police officers pursuant to subdivision 34 of section 1.20 of the criminal procedure law shall be added to the salary of such member at the beginning of that payroll period, the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods, the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section twenty-two of this act.

§ 22. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act or of any other provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of salary and other compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2005, until the time when basic annual salaries and other compensation due are first paid pursuant to this act for such services in excess of the salary and other compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary and other compensation to which such incumbent is entitled for such services and the salary and other compensation actually received which shall be paid in two installments pursuant to the terms of an agreement between the state and the employee organization representing the agency police services unit.

§ 23. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2011 or April 1, 2012 by the foregoing provisions of this act 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 are insufficient to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available, the amounts necessary to pay such amounts. The aforementioned appropriations shall be available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2011 or April 1, 2012.

§ 24. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $5,851,000 from the general fund to the environmental regulatory account (S5) in the environmental conservation fund (301) to carry out the provisions of section twenty-six of this act.

§ 25. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $4,033,000 from the general fund to the conservation fund (302) to carry out the provisions of section twenty-six of this act.

1 § 26. The several amounts as hereinafter set forth, or so much thereof
2 as may be necessary, are hereby appropriated from the fund so designated
3 for use by any state department or agency for the fiscal year beginning
4 April 1, 2011 or April 1, 2012 to supplement appropriations from each
5 respective fund available for personal service, other than personal
6 service and fringe benefits, and to carry out the provisions of this act.
7 Moreover, the amounts appropriated as non-personal service may be subal-
8 located to any state department or agency as needed. The moneys hereby
9 appropriated are available for payment of any liabilities or obligations
10 incurred prior to or during the state fiscal year commencing April 1,
11 2011 or April 1, 2012. No money shall be available for expenditure from
12 this appropriation until a certificate of approval has been issued by the
13 director of the budget and a copy of such certificate or any amendment
14 thereto has been filed with the state comptroller, the chairman of the
15 senate finance committee and the chairman of the assembly ways and means
16 committee. Notwithstanding the provisions of any other section of this
17 act, the salary increases and lump sum payments provided for in this act
18 shall not be implemented until the director of employee relations has
19 delivered notice to the director of the budget and the comptroller that
20 the collective bargaining agreement has been ratified so that such
21 amounts may be paid.
22 ALL STATE DEPARTMENTS AND AGENCIES

23 General Fund / State Operations
24 State Purposes Account

25 Personal Service

26 Personal service - regular 63,514,000

27 Nonpersonal Service

28 Fringe benefits 6,415,000
29 Joint committee on health benefits 13,000
30 Contract administration 30,000
31 Education and Training 43,000
32 Education and Training - Management Directed 26,000
33 Employee Assistance Program 7,000
34 Organizational Alcohol Program 10,000
35 Legal Defense Fund 10,000
36 Quality of Work Life Initiatives 32,000

37 Special Revenue Funds
38 Environmental Conservation - 301

39 Personal Service

40 Personal Service 6,099,000

41 Nonpersonal Service

42 Fringe Benefits 3,152,000

43 Special Revenue Funds
44 Conservation Fund - 302

1 Personal Service

2 Personal Service 4,204,000

3 Nonpersonal Service

4 Fringe Benefits 2,173,000

5 Special Revenue Funds
6 Miscellaneous Special Revenue - 339

7 Personal Service

8 Personal Service 6,688,000

9 Nonpersonal Service

10 Fringe Benefits 3,456,000

11 Special Revenue Funds
12 State University Income Fund - 345

13 Personal Service

14 Personal Service 3,228,000

15 Nonpersonal Service

16 Fringe Benefits 1,668,000

17 Special Revenue Funds - Federal
18 Food and Nutrition Services - 261

19 Personal Service

20 Personal Service 115,000

21 Nonpersonal Service

22 Fringe Benefits 58,000

23 § 27. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2005.

REPEAL NOTE.-Paragraph h of subdivision 1 of section 130 of the civil service law, as added by chapter 114 of the laws of 2006, repealed by section one of this act, provided salary schedules for certain state employees in agency police services unit (formerly known as the agency law enforcement services unit). Paragraph i of subdivision 1 of section 130 of the civil service law, as added by chapter 3 of the laws of 2007, and paragraph i of subdivision 1 of section 130 of the civil service law, as added by chapter 4 of the laws of 2007, also repealed by section one of this act, provided salary schedules for state employees in the security supervisors unit who are now members of the agency police services unit. These paragraphs are replaced and revised by salary schedules in a new paragraph h of subdivision 1 of section 130 of the

civil service law, as added by section one of this act, implementing an agreement between the state and the employee organization representing employees in the agency police services unit.

STATE OF NEW YORK

S. 6735 A. 9558

SENATE - ASSEMBLY

March 15, 2012

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to persons joining the New York state and local employees' retirement system, the New York state and local police and fire retirement system, the New York state teachers' retirement system, the New York city employees' retirement system, the New York city teachers' retirement system, the New York city board of education retirement system, the New York city police pension fund, or the New York city fire pension fund on or after April 1, 2012; to amend the executive law, in relation to action by the people for illegal receipt or disposition of public funds or other property; and to amend the retirement and social security law, in relation to benefit enhancements

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

1 Section 1. Legislative findings and intent. The legislature finds that
2 the state's current pension system is financially unsustainable result-
3 ing in fiscal instability for the state, local governments and school
4 districts. Most alarmingly, the dramatic growth in pension costs has
5 resulted in a greater stress on the already overburdened taxpayer.
6 Moreover, there is a significant state interest to reform the city of
7 New York's pension system. Rapid and unsustainable growth of the city of
8 New York's pension costs has a deleterious effect on the city, but as
9 importantly, on the financial security of the entire state. As the
10 financial capital of the world, the entire state relies heavily on the
11 fiscal stability and growth of the city of New York. The ever-increasing
12 and dramatic increases in pension costs in the city of New York, howev-
13 er, are destabilizing the fiscal and economic stability of the city of
14 New York and therefore the state. Thus, rapidly growing New York city

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

LBD12119-06-2

pension costs are of substantial state concern and must be remedied immediately.

It is incumbent on the state to implement common sense long-term structural reform of the current pension system for future employees. These reforms will not only protect the benefits of the public employees, but will provide financial stability to the state government, local governments and school districts and taxpayers across this state.

§ 1-a. Paragraph 1 of subdivision j of section 41 of the retirement and social security law, as amended by chapter 397 of the laws of 2009, is amended to read as follows:

1. In addition to any other service credit to which he or she is entitled, a member who meets the requirements set forth in paragraphs two and three of this subdivision shall be granted one day of additional service credit for each day of accumulated unused sick leave which he or she has at time of retirement for service, but such credit shall not (a) exceed one hundred sixty-five days, (b) be considered in meeting any service or age requirements prescribed in this chapter, and (c) be considered in computing final average salary. However, for an executive branch member designated managerial or confidential pursuant to article fourteen of the civil service law or in the collective negotiating units established by article fourteen of the civil service law designated the professional, scientific and technical services unit, the rent regulation services negotiating unit, the security services negotiating unit, the security supervisors negotiating unit, the state university professional services negotiating unit, the administrative services negotiating unit, the institutional services negotiating unit, the operational services negotiating unit and the division of military and naval affairs negotiating unit such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days. For a nonjudicial officer or employee of the unified court system not in a collective negotiating unit or in a collective negotiating unit specified in section one of chapter two hundred three of the laws of two thousand four, for employees of the New York state dormitory authority, for employees of the New York state thruway authority, the New York state canal corporation and the state university construction fund and for employees of the New York liquidation bureau such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days. **For members who first become members of a public retirement system of the state on or after April first, two thousand twelve, such credit shall not exceed one hundred days.**

§ 2. Subdivisions a and b of section 376 of the retirement and social security law, subdivision a as amended by chapter 389 of the laws of 1998 and subdivision b as amended by chapter 371 of the laws of 1969, are amended to read as follows:

a. A member who discontinues service other than by death or retirement:

1. who has credit for at least five years of total service, or

2. who has credit for at least five years of total service, including a minimum of five years of member service during which the member contributed to the system and/or participated in an increased-take-home-pay or non-contributory plan, and who does not withdraw his or her accumulated contributions, shall be entitled to make application pursuant to section three hundred seventy of this article for a vested retirement allowance to be effective on or after the first day of the month following his or her attainment of sixty years of age**, or sixty-three years of age for a member who first becomes a member of the New York state and**

local police and fire retirement system on or after April first, two thousand twelve. The retirement allowance provided by this section shall vest automatically upon such discontinuance of service by such member.

3. In the case of such a member who discontinues service other than by death or retirement after March thirty-first, nineteen hundred sixty-six, who had been contributing toward and/or participating in an increased-take-home-pay or non-contributory plan for retirement on a basis other than retirement at age sixty for five years preceding his or her discontinuance of service, he or she shall be entitled to make application for a vested retirement allowance to be effective on or after the first day of the month following his or her attainment of fifty-five years of age**, or sixty-three years of age for a member who first becomes a member of the New York state and local police and fire retirement system on or after April first, two thousand twelve**.

b. The vested retirement allowance shall be computed and paid in accordance with the provisions of the plan of which the member had been a participant provided, however, that if the service fraction used to compute the retirement allowance or the pension provides a benefit greater than that which would have been provided had the service fraction one-sixtieth been used to compute the benefit, the service fraction one-sixtieth shall be used to compute the vested retirement allowance unless such plan shall specify another fraction to be used to compute the vested retirement allowance. The vested retirement allowance shall not be paid before the member attains age fifty-five**, or sixty-three years of age for a member who first becomes a member of the New York state and local police and fire retirement system on or after April first, two thousand twelve**.

§ 3. Subdivision e of section 440 of the retirement and social security law, as added by chapter 285 of the laws of 1997, is amended to read as follows:

e. Notwithstanding any other provision of law to the contrary, the provisions and limitations of this article shall apply, as may be appropriate, to all investigator members of the New York city employees' retirement system who last joined such retirement system on or after July first, nineteen hundred seventy-six**, and prior to the effective date of the chapter of the laws of two thousand twelve which amended this subdivision**.

§ 4. Subdivisions 5, 7, 12, 17 and 24 of section 501 of the retirement and social security law, subdivisions 5, 12 and 17 as added by chapter 890 of the laws of 1976, subdivision 7 as amended by chapter 408 of the laws of 2000 and subdivision 24 as amended by section 1 of part B of chapter 504 of the laws of 2009, are amended to read as follows:

5. "Early retirement age" shall mean age fifty-five, for general members, and the age on which a member completes or would have completed twenty years of service, for police/fire members**, New York city uniformed correction/sanitation revised plan members and investigator revised plan members**.

7. "Eligible beneficiary" for the purposes of section five hundred nine of this article shall mean the following persons or classes of persons in the order set forth: (a) a surviving spouse who has not renounced survivorship rights in a separation agreement, until remarriage, (b) surviving children until age twenty-five, (c) dependent parents, determined under regulations promulgated by the comptroller, (d) any other person who qualified as a dependent on the final federal income tax return of the member or the return filed in the year imme-

diately preceding the year of death, until such person reaches twenty-one years of age and (e) with respect to members of the New York city employees' retirement system **(other than a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member)** and the board of education retirement system of the city of New York, a person whom the member shall have nominated in the form of a written designation, duly acknowledged and filed with the head of the retirement system for the purpose of section five hundred eight of this article. In the event that a class of eligible beneficiaries consists of more than one person, benefits shall be divided equally among the persons in such class. For the purposes of section five hundred eight **of this article** the term "eligible beneficiary" shall mean such person as the member shall have nominated to receive the benefits provided in this article. To be effective, such a nomination must be in the form of a written designation, duly acknowledged and filed with the head of the retirement system for this specific purpose. In the event such designated beneficiary does not survive him, or if he shall not have so designated a beneficiary, such benefits shall be payable to the deceased member's estate or as provided in section one thousand three hundred ten of the surrogate's court procedure act.

12. "General member" shall mean a member subject to the provisions of this article who is not a police/fire member**, a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member**.

17. "Normal retirement age" shall be age sixty-two, for general members, and the age at which a member completes or would have completed twenty-two years of service, for police/fire members**, New York city uniformed correction/sanitation revised plan members and investigator revised plan members**.

24. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, except that for members who first join the state and local employees' retirement system on or after January first, two thousand ten, overtime compensation paid in any year in excess of the overtime ceiling, as defined by this subdivision, shall not be included in the definition of wages. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three percent each year thereafter**, provided, however, that for members who first become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, "overtime ceiling" shall mean fifteen thousand dollars per annum on April first, two thousand twelve, and shall be increased each year thereafter by a percentage to be determined annually by reference to the consumer price index (all urban consumers, CPI-U, U.S. city average, all items, 1982-84=100), published by the United States bureau of labor statistics, for each applicable calendar year. Said percentage shall equal the annual inflation as determined from the increase in the consumer price index in the one year period ending on the December thirty-first prior to the cost-of-living adjustment effective on the ensuing April first**. For the purpose of calculation a member's primary federal social security retirement or disability benefit, wages shall, in any calendar year, be limited to the

portion of the member's wages which would be subject to tax under section three thousand one hundred twenty-one of the internal revenue code of nineteen hundred fifty-four, or any predecessor or successor provision relating thereto, if such member was employed by a private employer. **For members who first become members of the New York state and local employees' retirement system on or after the effective date of the chapter of the laws of two thousand twelve which amended this subdivision, the following items shall not be included in the definition of wages: (a) wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution, (b) lump sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked, (c) any form of termination pay, (d) any additional compensation paid in anticipation of retirement, and (e) in the case of employees who receive wages from three or more employers in a twelve month period, the wages paid by the third and each successive employer.**

§ 5. Section 501 of the retirement and social security law is amended by adding three new subdivisions 25, 26 and 27 to read as follows:

25. "New York city uniformed correction/sanitation revised plan member" shall mean a member who becomes subject to the provisions of this article on or after April first, two thousand twelve, and who is a member of either the uniformed force of the New York city department of correction or the uniformed force of the New York city department of sanitation.

26. "New York city police/fire revised plan member" shall mean a police/fire member who becomes subject to the provisions of this article on or after April first, two thousand twelve, and who is a member of either the New York city police pension fund or the New York city fire department pension fund.

27. "Investigator revised plan member" shall mean an investigator member of the New York city employees' retirement system who is a police officer as defined in paragraph (g) of subdivision thirty-four of section 1.20 of the criminal procedure law, and who becomes subject to the provisions of this article on or after April first, two thousand twelve.

§ 6. Intentionally omitted.

§ 7. Subdivisions a, c and d of section 503 of the retirement and social security law, subdivision a as amended by chapter 662 of the laws of 1988, subdivision c as amended by section 143 of subpart B of part C of chapter 62 of the laws of 2011 and subdivision d as added by chapter 890 of the laws of 1976, are amended to read as follows:

a. The normal service retirement benefit specified in section five hundred four **of this article** shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-two, provided, however, a general member who is a peace officer employed by the unified court system or a member of a teachers' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service. **For members who become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, the normal service retirement benefits specified in section five hundred four of this article shall be payable to general members, other than elective members, who have met the minimum service requirements upon retirement and attainment of age sixty-three.**

c. A general member shall be eligible for early service retirement at age fifty-five with five years of credited service. A general member in the uniformed correction force of the New York city department of correction, who is not eligible for early service retirement pursuant to subdivision c of section five hundred four-a of this article or subdivision c of section five hundred four-b of this article or subdivision c of section five hundred four-d of this article, or a general member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as defined in subdivision i of section eighty-nine of this chapter or serving in institutions who is also in a title defined in such subdivision and who has made an election pursuant to the provisions of article seventeen of this chapter, shall also be eligible for early service retirement after twenty-five years of credited service**, provided, however, that the provisions of this subdivision and subdivision a of this section shall not apply to a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member**.

d. The normal service retirement benefit specified in section five hundred five **of this article** shall be paid to police/fire members**, New York city uniformed correction/sanitation revised plan members and investigator revised plan members** without regard to age upon retirement after twenty-two years of service. Early service retirement shall be permitted upon retirement after twenty years of credited service or attainment of age sixty-two**, provided, however, that New York city police/fire revised plan members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members shall not be eligible to retire for service prior to the attainment of twenty years of credited service**.

§ 8. Subdivisions a, c and d of section 504 of the retirement and social security law, subdivision a as added by chapter 890 of the laws of 1976, subdivision c as amended by section 3 of part B of chapter 504 of the laws of 2009 and subdivision d as amended by section 144 of subpart B of part C of chapter 62 of the laws of 2011, are amended to read as follows:

a. The service retirement benefit for general members at normal retirement age with twenty or more years of credited service shall be a pension equal to one-fiftieth of final average salary times years of credited service, not in excess of thirty years, less fifty percent of the primary social security retirement benefit as provided in section five hundred eleven **of this article**. **The service retirement benefit for general members at normal retirement age with twenty or more years of service who first become members of the New York state and local employees' retirement system on or after April first, two thousand twelve at normal retirement age shall be a pension equal to the sum of thirty-five per centum and one-fiftieth of final average salary for each year of service in excess of twenty, but not in excess of thirty, times final average salary times years of credited service.**

c. The early service retirement benefit for general members, except for general members whose early retirement benefit is specified in subdivision d of this section, shall be the service retirement benefit specified in subdivision a or b of this section, as the case may be, without social security offset, reduced by one-fifteenth for each of the first two years by which early retirement precedes age sixty-two, plus a further reduction of: (1) one-thirtieth; or (2) one-twentieth for members who first join the New York state and local employees' retirement system on or after January first, two thousand ten, for each year

by which early retirement precedes age sixty**, provided however, that for members who first become members of the New York state and local employees' retirement system on or after the effective date of the chapter of the laws of two thousand twelve which amended this subdivision, the early service retirement benefit for general members, except for general members whose early retirement benefit is specified in subdivision d of this section, shall be the service retirement benefit specified in subdivision a or b of this section, as the case may be, without social security offset, reduced by six and one-half per centum for each year by which early retirement precedes age sixty-three**. At age sixty-two, the benefit shall be reduced by fifty percent of the primary social security retirement benefit, as provided in section five hundred eleven of this article.

d. The early service retirement benefit for general members in the uniformed correction force of the New York city department of correction, who are not entitled to an early service retirement benefit pursuant to subdivision c of section five hundred four-a of this article or subdivision c of section five hundred four-b of this article or subdivision c of section five hundred four-d of this article, or for general members in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as defined in subdivision i of section eighty-nine of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service, but not in excess of fifty percent of final average salary**, provided, however, that the provisions of this section shall not apply to a New York city uniformed correction/sanitation revised plan member**.

§ 9. Subdivision b of section 504-a of the retirement and social security law is amended by adding a new paragraph 4-a to read as follows:

4-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member shall be a participant in the twenty-year retirement program.

§ 10. Subdivision b of section 504-b of the retirement and social security law is amended by adding a new paragraph 4-a to read as follows:

4-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member shall be a participant in the twenty-year retirement program for captains and above.

§ 11. Subdivision b of section 504-d of the retirement and social security law is amended by adding a new paragraph 1-a to read as follows:

1-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member shall be a participant in the twenty-year retirement program.

§ 12. Section 505 of the retirement and social security law, as added by chapter 890 of the laws of 1976, is amended to read as follows:

§ 505. Service retirement benefits; police/fire members**, New York city uniformed correction/sanitation revised plan members and investigator revised plan members**. a. The normal service retirement benefit for police/fire members**, New York city uniformed correction/sanitation**

revised plan members and investigator revised plan members at normal retirement age shall be a pension equal to fifty percent of final average salary, less fifty percent of the primary social security retirement benefit commencing at age sixty-two, as provided in section five hundred eleven **of this article**.

b. The early service retirement benefit for police/fire members**, New York city uniformed correction/sanitation revised plan members and investigator revised plan members** shall be a pension equal to two and one-tenths percent of final average salary times years of credited service at the completion of twenty years of service or upon attainment of age sixty-two, increased by one-third of one percent of final average salary for each month of service in excess of twenty years, but not in excess of fifty percent of final average salary, less fifty percent of the primary social security retirement benefit commencing at age sixty-two as provided in section five hundred eleven **of this article, provided, however, that New York city police/fire revised plan members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members shall not be eligible to retire for service prior to the attainment of twenty years of credited service**.

c. A police/fire member**, a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member** who retires with twenty-two years of credited service or less may become eligible for annual escalation of the service retirement benefit if he elects to have the payment of his benefit commence on the date he would have completed twenty-two years and one month or more of service. In such event, the service retirement benefit shall equal two percent of final average salary for each year of credited service, less fifty percent of the primary social security retirement benefit commencing at age sixty-two as provided in section five hundred eleven **of this article**.

§ 13. Subdivisions b and c of section 507 of the retirement and social security law, subdivision b as amended by chapter 489 of the laws of 2008 and subdivision c as amended by chapter 513 of the laws of 2010, are amended to read as follows:

b. A police/fire member in active service, **a New York city uniformed correction/sanitation revised plan member in active service or an investigator revised plan member in active service,** or a vested member incapacitated as the result of a qualifying World Trade Center condition as defined in section two of this chapter, who is not eligible for a normal service retirement benefit shall be eligible for the accidental disability benefit either as provided in subdivision a **of this section** or if such member is physically or mentally incapacitated for performance of duty as the natural and proximate result of an accident sustained in such active service and not caused by such member's own willful negligence.

c. In the case of a member of a retirement system other than the New York state and local employees' retirement system, the New York state teachers' retirement system, the New York city employees' retirement system, the New York city board of education retirement system or the New York city teachers' retirement system, **or in the case of a member of the New York city employees' retirement system who is a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member,** the accidental disability benefit hereunder shall be a pension equal to two percent of final average salary times years of credited service which such member would have attained if employment had continued until such member's full escalation date, not in excess of the

maximum years of service creditable for the normal service retirement benefit, less (i) fifty percent of the primary social security disability benefit, if any, as provided in section five hundred eleven of this article, and (ii) one hundred percent of any workers' compensation benefits payable.

In the case of a member of the New York state and local employees' retirement system, the New York state teachers' retirement system, the New York city employees' retirement system **(other than a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member)**, the New York city board of education retirement system or the New York city teachers' retirement system, the accidental disability benefit hereunder shall be a pension equal to sixty percent of final average salary, less (i) fifty percent of the primary social security disability benefit, if any, as provided in section five hundred eleven of this article, and (ii) one hundred percent of any workers' compensation benefits payable. In the event a disability retiree from any retirement system is not eligible for the primary social security disability benefit and continues to be eligible for disability benefits hereunder, such disability benefit shall be reduced by one-half of such retiree's primary social security retirement benefit, commencing at age sixty-two, in the same manner as provided for service retirement benefits under section five hundred eleven of this article.

§ 14. The opening paragraph of subdivision a of section 507-a of the retirement and social security law, as amended by section 145 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

[~~Application~~] **Subject to the provisions of subdivision e of this section, application** for a disability retirement allowance for a member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision of New York state as defined in subdivision i of section eighty-nine of this chapter or for a member serving in institutions who is also in a title defined in such subdivision and who has made an election pursuant to the provisions of article seventeen of this chapter or the New York city department of correction may be made by:

§ 15. Section 507-a of the retirement and social security law is amended by adding a new subdivision e to read as follows:

e. Notwithstanding the preceding subdivisions of this section to the contrary, this section shall not apply to a member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member.

§ 16. Subdivision a of section 507-c of the retirement and social security law, as added by chapter 622 of the laws of 1997, is amended to read as follows:

a. Any member in the uniformed personnel in institutions under the jurisdiction of the New York city department of correction, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as a natural and proximate result of, an act of any inmate or any person confined in an institution under the jurisdiction of the department of correction or the department of health, or by any person who has been committed to such institution by any court shall be paid a performance of duty disability retirement allowance equal to three-quarters of final average salary, subject to the provisions of section 13-176 of the administrative code of the city of New York**, provided, however, that the provisions of this section**

shall not apply to a member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member.

§ 17. Subdivision b of section 508 of the retirement and social security law, as amended by chapter 601 of the laws of 1997, is amended to read as follows:

b. A member of a retirement system subject to the provisions of this article who is a policeman, fireman, correction officer, **investigator revised plan member** or sanitation man and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provisions of section five hundred four or five hundred five of this article, shall upon completion of ninety days of service be covered for financial protection in the event of death in service pursuant to this subdivision. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law or, in the case of a member of a retirement system other than the New York city employees' retirement system, **or in the case of a member of the New York city employees' retirement system who is a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member**, the specific limitations specified for age of entrance into service contained in subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision a of this section.

§ 18. Paragraph 2 of subdivision b of section 510 of the retirement and social security law, as added by chapter 890 of the laws of 1976, is amended to read as follows:

2. The first day of the month following the date on which a member completes or would have completed twenty-five years of credited service, with respect to service retirement benefits for police/fire members and their beneficiaries, **New York city uniformed correction/sanitation revised plan members and their beneficiaries or investigator revised plan members and their beneficiaries**.

§ 19. Subdivision f of section 511 of the retirement and social security law, as amended by section 147 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

f. This section shall not apply to general members in the uniformed correction force of the New York city department of correction or to uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision and security hospital treatment assistants, as those terms are defined in subdivision i of section eighty-nine of this chapter, **provided, however, that the provisions of this section shall apply to a New York city uniformed correction/sanitation revised plan member**.

§ 20. Section 512 of the retirement and social security law, as amended by chapter 379 of the laws of 1986, subdivisions b and c as amended by chapter 286 of the laws of 2010 and subdivision d as added by chapter 749 of the laws of 1992, is amended to read as follows:

§ 512. Final average salary. a. A member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.

[~~Where~~] **Notwithstanding the preceding provisions of this subdivision to the contrary, for a member who first becomes a member of the New York state and local employees' retirement system on or after April first, two thousand twelve, or for a New York city police/fire revised plan member, a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member, a member's final average salary shall be the average wages earned by such a member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. In determining final average salary pursuant to any provision of this subdivision, where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.**

b. Notwithstanding the provisions of subdivision a of this section, with respect to members of the New York state employees' retirement system **who first become members of the New York state and local employees' retirement system before April first, two thousand twelve**, the New York state and local police and fire retirement system and the New York city teachers' retirement system, a member's final average salary shall be equal to one-third of the highest total wages earned during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. **For members who first become a member of the New York state and local employees' retirement system on or after April first, two thousand twelve, with respect to members of the New York state and local employees' retirement system, a member's final average salary shall be equal to one-fifth of the highest total wages earned during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.**

c. Notwithstanding the provisions of subdivisions a and b of this section, the final average salary of an employee who has been a member of the New York city employees' retirement system **(other than a New York city correction/sanitation revised plan member or an investigator revised plan member)** or the New York city teachers' retirement system for less than one year shall be the projected one year salary, with the calculation based upon a twelve month projection of the sums earned in the portion of the year worked. If a member has been employed for more than one year but less than two years, then the member's final average salary shall be the average of the first year and projected second year

earnings based upon the calculation above, and if more than two years, but less than three years, then one-third the total of the first two years of employment plus the projected third year's earnings, calculated as indicated above.

d. Subject to the provisions of subdivision c of this section, and notwithstanding the provisions of subdivision a of this section, with respect to members of the New York city employees' retirement system **(other than a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member)** and the New York city board of education retirement system who are subject to the provisions of this article, a member's final average salary shall be determined pursuant to the provisions of paragraph thirteen of subdivision e of section 13-638.4 of the administrative code of the city of New York.

§ 21. Subdivision h of section 513 of the retirement and social security law, as added by chapter 477 of the laws of 2005, is amended to read as follows:

h. Notwithstanding any other provision of this section, any general member in the uniformed correction force of the New York city department of [~~corrections~~] **correction** who is absent without pay for a child care leave of absence pursuant to regulations of the New York city department of [~~corrections~~] **correction** shall be eligible for credit for such period of child care leave provided such member files a claim for such service credit with the retirement system by December thirty-first, two thousand five or within ninety days of the termination of the child care leave, whichever is later, and contributes to the retirement system an amount which such member would have contributed during the period of such child care leave, together with interest thereon. Service credit provided pursuant to this subdivision shall not exceed one year of credit for each period of authorized child care leave. In the event there is a conflict between the provisions of this subdivision and the provisions of any other law or code to the contrary, the provisions of this subdivision shall govern**, provided, however, that the provisions of this subdivision shall not apply to a member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member**.

§ 22. Intentionally omitted.

§ 23. Subdivisions c and d of section 516 of the retirement and social security law, subdivision c as added by chapter 890 of the laws of 1976 and subdivision d as amended by section 148 of subpart B of part C of chapter 62 of the laws of 2011, are amended and a new subdivision e is added to read as follows:

c. The deferred vested benefit of police/fire members**, New York city police/fire revised plan members, New York city uniformed correction/sanitation revised plan members or investigator revised plan members** shall be a pension commencing at early retirement age equal to two and one-tenths percent of final average salary times years of credited service, less fifty percent of the primary social security retirement benefit commencing at age sixty-two, as provided in section five hundred eleven **of this article**. A police/fire member**, a New York city police/fire revised plan member, a New York city uniformed correction/sanitation revised plan member or investigator revised plan member** may elect to receive his vested benefit commencing at early retirement age or age fifty-five. If the vested benefit commences before early retirement age, the benefit shall be reduced by one-fifteenth for each year, if any, that the member's early retirement age is in excess of age sixty, and by one-thirtieth for each additional year by which the

vested benefit commences prior to early retirement age. If such vested benefit is deferred until after such member's normal retirement age, the benefit shall be computed and subject to annual escalation in the same manner as provided for an early retirement benefit pursuant to subdivision c of section five hundred five of this article.

d. The deferred vested benefit of general members in the uniformed correction force of the New York city department of correction, who are not entitled to a deferred vested benefit under subdivision d of section five hundred four-a of this article or under subdivision d of section five hundred four-b of this article or under subdivision d of section five hundred four-d of this article, or of general members in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as defined in subdivision i of section eighty-nine of this chapter, with twenty or more years of credited service shall be a pension commencing at normal retirement age equal to one-fiftieth of final average salary times years of credited service, not in excess of thirty years**, or for members who first become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, a pension equal to the sum of thirty-five per centum and one-fiftieth of final average salary for each year of service in excess of twenty, but not in excess of thirty, times final average salary times years of credited service**. The deferred vested benefit of general members in the uniformed correction force of the New York city department of correction, who are not entitled to a deferred vested benefit under subdivision d of section five hundred four-a of this article or under subdivision d of section five hundred four-b of this article or under subdivision d of section five hundred four-d of this article, or of general members in the uniformed personnel in institutions under jurisdiction of the department of corrections and community supervision, as defined in subdivision i of section eighty-nine of this chapter, with less than twenty years of credited service shall be a pension commencing at normal retirement age equal to one-sixtieth of final average salary times years of credited service. Such deferred vested benefit may be paid in the form of an early service retirement benefit, or may be postponed until after normal retirement age, in which event the benefit will be subject to reduction or escalation as provided in subdivision c of section five hundred four of this article.

e. In no event shall the vested retirement allowance payable without optional modification be less than the actuarial equivalent of the total which results from the member's contributions accumulated with interest at five percent per annum compounded annually to the date of retirement.

§ 24. Subdivision a of section 517 of the retirement and social security law, as added by chapter 890 of the laws of 1976, is amended to read as follows:

a. Members shall contribute three percent of annual wages to the retirement system in which they have membership, provided that such contributions shall not be required for more than thirty years, for general members, or twenty-five years, for police/fire members**, except that beginning April first, two thousand thirteen for members who first become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, the rate at which each such member shall contribute in any current plan year (April first to March thirty-first) shall be determined by reference to the wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year as follows:**

1. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

2. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

3. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

4. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

5. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

The head of each retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

§ 25. Subdivision b of section 517-c of the retirement and social security law, as amended by chapter 171 of the laws of 2011, is amended to read as follows:

b. A member of the New York state and local employees' retirement system, the New York state and local police and fire retirement system, the New York city employees' retirement system or the New York city board of education retirement system in active service who has credit for at least one year of member service may borrow, no more than once during each twelve month period, an amount not exceeding seventy-five percent of the total contributions made pursuant to section five hundred seventeen **of this article** (including interest credited at the rate set forth in subdivision c of such section five hundred seventeen compounded annually) and not less than one thousand dollars**, provided, however, that the provisions of this section shall not apply to a New York city uniformed correction/sanitation revised plan member or an investigator revised plan member.**

§ 26. Intentionally omitted.

§ 27. Paragraphs 4 and 5 of subdivision a of section 600 of the retirement and social security law, as amended by chapter 370 of the laws of 1996, are amended and a new paragraph 6 is added to read as follows:

4. Members qualified for participation in the uniformed transit police force plan or housing police force plan in the New York city employees' retirement [~~systems~~] **system**; [~~and~~]

5. Investigator [~~member~~] **members** of the New York city employees' retirement system[~~.~~]**; and**

6. Members of the uniformed force of the New York city department of sanitation who join or rejoin a public retirement system of the state on or after April first, two thousand twelve.

§ 28. Subdivision l of section 601 of the retirement and social security law, as amended by section 5 of part B of chapter 504 of the laws of 2009, is amended to read as follows:

l. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, except that for members who first join the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, overtime compensation paid in any year in excess of the overtime ceiling, as defined by this subdivision, shall not be included in the definition of wages. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three per cent each year thereafter**, provided, however, that for members who first become members of a public retirement system of the state on or after April first, two thousand twelve, "overtime ceiling" shall mean fifteen thousand dollars per annum on April first, two thousand twelve, and shall be increased each year thereafter by a percentage to be determined annually by reference to the consumer price index (all urban consumers, CPI-U, U.S. city average, all items, 1982-84=100), published by the United States bureau of labor statistics, for each applicable calendar year. Said percentage shall equal the annual inflation as determined from the increase in the consumer price index in the one year period ending on the December thirty-first prior to the cost-of-living adjustment effective on the ensuing April first. For members who first join a public retirement system of the state on or after April first, two thousand twelve, the following items shall not be included in the definition of wages: 1. wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution, 2. lump sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked, 3. any form of termination pay, 4. any additional compensation paid in anticipation of retirement, and 5. in the case of employees who receive wages from three or more employers in a twelve month period, the wages paid by the third and each successive employer**.

§ 29. Section 601 of the retirement and social security law is amended by adding a new subdivision m to read as follows:

m. "New York city revised plan member" shall mean a member of the New York city employees' retirement system, the New York city teachers' retirement system or the board of education retirement system of the city of New York who becomes subject to the provisions of this article on or after April first, two thousand twelve.

§ 29-a. Subdivision b-1 of section 602 of the retirement and social security law, as added by section 2 of part C of chapter 504 of the laws of 2009, is amended to read as follows:

b-1. **(1)** Notwithstanding the provisions of subdivision a or b of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, shall not be

eligible for service retirement benefits hereunder until such member has rendered a minimum of ten years of credited service.

(2) Notwithstanding the provisions of subdivision a or b of this section or any other provision of law to the contrary, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of ten years of credited service.

§ 30. Intentionally omitted.

§ 31. Subdivision a of section 603 of the retirement and social security law, as amended by section 7 of part B of chapter 504 of the laws of 2009, is amended and a new subdivision a-1 is added to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system **who first becomes a member of the New York state and local employees' retirement system before April first, two thousand twelve** may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service**, provided further that the the preceding provisions of this subdivision shall not apply to a New York city revised plan member**.

a-1. For members who first become a member of a public retirement system of the state on or after April first, two thousand twelve, the service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and have attained age sixty-three.

§ 32. Subdivision i of section 603 of the retirement and social security law, as amended by section 8 of part B of chapter 504 of the laws of 2009, is amended by adding a new paragraph 3 to read as follows:

3. A member of a public retirement system of the state who has met the minimum service requirement, but who is not a New York city transit authority member, as defined in paragraph one of subdivision a of section six hundred four-b of this article, may retire prior to normal retirement age, but no earlier than attainment of age fifty-five, in

which event, the amount of his or her retirement benefit computed without optional modification shall be reduced by six and one-half per centum for each year by which early retirement precedes age sixty-three.

§ 33. Subdivision t of section 603 of the retirement and social security law, as added by section 8-a of part B of chapter 504 of the laws of 2009, is amended to read as follows:

t. Members who join the New York state teachers' retirement system on or after January first, two thousand ten, shall be eligible to retire without reduction of his or her retirement benefit upon attainment of at least fifty-seven years of age and completion of thirty or more years of service. Members who retire pursuant to the provisions of this subdivision shall be required to make the member contributions required by subdivision g of section six hundred thirteen of this article for all years of credited and creditable service. **The provisions of this subdivision shall not apply to members who first become a member of the New York state teachers' retirement system on or after April first, two thousand twelve.**

§ 33-a. Subdivision a of section 604 of the retirement and social security law, as amended by section 8-b of part B of chapter 504 of the laws of 2009, is amended to read as follows:

a. The service retirement benefit at normal retirement age for a member with less than twenty years of credited service, or less than twenty-five years credited service for a member who joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-sixtieth of final average salary times years of credited service. **Normal retirement age for members who first become members of a public retirement system of the state on or after April first, two thousand twelve shall be age sixty-three.**

§ 34. Section 604 of the retirement and social security law is amended by adding a new subdivision b-1 to read as follows:

b-1. Notwithstanding any other provision of law to the contrary, the service retirement benefit for members with twenty or more years of credit service who first become a member of a public retirement system of the state on or after April first, two thousand twelve at age sixty-three shall be a pension equal to the sum of thirty-five per centum and one-fiftieth of final average salary for each year of service in excess of twenty times final average salary times years of credited service. In no event shall any retirement benefit payable without optional modification be less than the actuarially equivalent annuitized value of the member's contributions accumulated with interest at five percent per annum compounded annually to the date of retirement.

§ 35. Paragraph 1 of subdivision d of section 604-b of the retirement and social security law, as amended by chapter 10 of the laws of 2000, is amended to read as follows:

1. A participant in the twenty-five-year and age fifty-five retirement program who:

(i) discontinues city-service and service as a member of the New York city transit authority other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** prior to such discontinuance, completed five but less than twenty-five years of allowable service in the transit authority **or, in the case of a participant who is a New York city revised plan member, has completed ten but less than twenty-five years of allowable service in the transit authority prior to such discontinuance**; and

(iii) has paid, prior to such discontinuance, all additional member contributions and interest, if any, required by subdivision e of this section; and

(iv) does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen of this article; shall be entitled to receive a deferred vested benefit as provided in section six hundred twelve of this article.

§ 36. Subparagraph (ii) of paragraph 3 of subdivision d of section 604-b of the retirement and social security law, as added by chapter 352 of the laws of 1997, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 37. Subdivision b of section 604-c of the retirement and social security law, as added by chapter 96 of the laws of 1995, is amended by adding a new paragraph 2-a to read as follows:

2-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member who becomes subject to the provisions of this article on or after the effective date of this paragraph shall be a participant in the twenty-five-year early retirement program.

§ 38. Paragraph 1 of subdivision d of section 604-c of the retirement and social security law, as amended by chapter 659 of the laws of 1999, is amended to read as follows:

1. A participant in the twenty-year/age fifty retirement program who:

(i) discontinues service as a Triborough bridge and tunnel member, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** prior to such discontinuance, completed five but less than twenty years of credited service **or, in the case of a participant who is a New York city revised plan member, has completed ten but less than twenty years of credited service**; and

(iii) has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 39. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-c of the retirement and social security law, as added by chapter 472 of the laws of 1995, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 40. Subdivision c of section 604-d of the retirement and social security law is amended by adding a new paragraph 3-a to read as follows:

3-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member who becomes subject to the provisions of this article on or after the effective date of this paragraph shall be a participant in the age fifty-seven retirement program.

§ 41. Paragraph 1 of subdivision d of section 604-e of the retirement and social security law, as added by chapter 576 of the laws of 2000, is amended to read as follows:

1. A participant in the twenty-five year retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** who prior to such discontinuance, completed five but less than twenty-five years of allowable service as a dispatcher member **or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of allowable service as a dispatcher member**; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 42. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-e of the retirement and social security law, as added by chapter 576 of the laws of 2000, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 43. Paragraph 1 of subdivision d of section 604-e of the retirement and social security law, as added by chapter 577 of the laws of 2000, is amended to read as follows:

1. A participant in the twenty-five year retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** who prior to such discontinuance, completed five but less than twenty-five years of allowable service as an EMT member **or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of allowable service as an EMT member**; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 44. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-e of the retirement and social security law, as added by chapter 577 of the laws of 2000, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 45. Paragraph 1 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 559 of the laws of 2001, is amended to read as follows:

1. A participant in the twenty-five year retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** who prior to such discontinuance, completed five but less than twenty-five years of credited service **or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of credited service**; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 46. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 559 of the laws of 2001, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 47. Paragraph 1 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 582 of the laws of 2001, is amended to read as follows:

1. A participant in the twenty-five year retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** who prior to such discontinuance, completed five but less than twenty-five years of allowable service as a special officer, parking control specialist, school safety agent, campus peace officer or

taxi and limousine inspector member **or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of allowable service as a special officer, parking control specialist, school safety agent, campus peace officer or taxi and limousine inspector member**; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest, if any, required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 48. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-f of the retirement and social security law, as added by chapter 582 of the laws of 2001, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 49. Paragraph 1 of subdivision d of section 604-g of the retirement and social security law, as added by chapter 414 of the laws of 2002, is amended to read as follows:

1. A participant in the twenty-five year/age fifty retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** who prior to such discontinuance, completed five but less than twenty-five years of credited service **or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of credited service**; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 50. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-g of the retirement and social security law, as added by chapter 414 of the laws of 2002, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 51. Paragraph 1 of subdivision d of section 604-h of the retirement and social security law, as added by chapter 682 of the laws of 2003, is amended to read as follows:

1. A participant in the twenty-five year retirement program:

(i) who discontinues service as such a participant, other than by death or retirement; and

(ii) **in the case of a participant who is not a New York city revised plan member,** who prior to such discontinuance, completed five but less than twenty-five years of credited service **or, in the case of a participant who is a New York city revised plan member, who prior to such discontinuance, completed ten but less than twenty-five years of credited service**; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen; shall be entitled to receive a deferred vested benefit as provided in this subdivision.

§ 52. Subparagraph (ii) of paragraph 2 of subdivision d of section 604-h of the retirement and social security law, as added by chapter 682 of the laws of 2003, is amended to read as follows:

(ii) [~~Such~~] **In the case of a participant who is not a New York city revised plan member, such** vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred **or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three**.

§ 53. Subdivision b of section 604-i of the retirement and social security law is amended by adding a new paragraph 5-a to read as follows:

5-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member who becomes subject to the provisions of this article on or after the effective date of this paragraph shall be a participant in the age fifty-five retirement program.

§ 54. Subdivisions a, b, c and d of section 608 of the retirement and social security law, subdivision a as amended by chapter 379 of the laws of 1986, subdivisions b and c as amended by chapter 286 of the laws of 2010 and subdivision d as added by chapter 749 of the laws of 1992, are amended to read as follows:

a. [~~A~~] **For members who first become members of a public retirement system of the state before April first, two thousand twelve, a** member's final average salary shall be the average wages earned by such a member during any three consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous two years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. **For members who first become members of the New York state and local employees' retirement system or the New York state teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be the average wages**

earned by such member during any five consecutive years which provide the highest average wage; provided, however, if the wages earned during any year included in the period used to determine final average salary exceeds that of the average of the previous four years by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. Where the period used to determine final average salary is the period which immediately precedes the date of retirement, any month or months (not in excess of twelve) which would otherwise be included in computing final average salary but during which the member was on authorized leave of absence at partial pay or without pay shall be excluded from the computation of final average salary and the month or an equal number of months immediately preceding such period shall be substituted in lieu thereof.

b. Notwithstanding the provisions of subdivision a of this section, with respect to members **who first became members** of the New York state **and local** employees' retirement system and the New York city teachers' retirement system **before April first, two thousand twelve**, a member's final average salary shall be equal to one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. **With respect to members who first become members of the New York state and local employees' retirement system and the New York city teachers' retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary.**

c. Notwithstanding the provisions of subdivisions a and b of this section, the final average salary of an employee who has been a member of the New York city employees' retirement system or the New York city teachers' retirement system for less than one year shall be the projected one year salary, with the calculation based upon a twelve month projection of the sums earned in the portion of the year worked. If a member has been employed for more than one year but less than two years, then the member's final average salary shall be the average of the first year and projected second year earnings based upon the calculation above, and if more than two years, but less than three years, then one-third the total of the first two years of employment plus the projected third year's earnings, calculated as indicated above**, provided that this subdivision shall not apply to a New York city revised plan member of the New York city employees' retirement system or a New York city revised plan member of the New York city teachers' retirement system**.

d. Subject to the provisions of subdivision c of this section, and notwithstanding the provisions of subdivision a of this section, with respect to members of the New York city employees' retirement system and the New York city board of education retirement system who are subject to the provisions of this article, a member's final average salary shall

be determined pursuant to the provisions of paragraph fourteen of **subdivision e of** section 13-638.4 of the administrative code of the city of New York**, provided, however, that the applicable provisions and limitations of the term "wages", as defined in subdivision l of section six hundred one of this article, shall apply to such determinations of final average salary**.

§ 55. Paragraph 2 of subdivision b of section 609 of the retirement and social security law, as amended by section 8-c of part B of chapter 504 of the laws of 2009, is amended to read as follows:

2. Previous service credit shall not be granted unless such member applies therefor and repays the amount refunded by a public retirement system of the state for service rendered after July first, nineteen hundred seventy-six together with interest through the date of repayment at the rate of five percent per annum compounded annually and three percent of the wages earned for service prior to that date together with interest from July first, nineteen hundred seventy-six through the date of payment at the rate of five percent per annum compounded annually and three percent of the wages earned for service which predates the date of entry into the retirement system together with interest at the rate of five percent per annum compounded annually from the date of such service until the date of payment. Anything in this paragraph to the contrary notwithstanding, in order to obtain credit for previous service, members who first join the New York state teachers' retirement system on or after January first, two thousand ten shall pay three and one-half percent of wages earned for service which predates the date of entry into the retirement system together with interest at the rate of five percent per annum compounded annually from the date of such service until the date of payment. **Anything in this paragraph to the contrary notwithstanding, in order to obtain credit for previous service, members who first join a public retirement system of the state on or after April first, two thousand twelve shall pay six percent of wages earned for service which predates the date of entry into the retirement system together with interest at the rate of five percent per annum compounded annually from the date of such service until the date of payment.**

§ 56. Section 609 of the retirement and social security law is amended by adding a new subdivision h to read as follows:

h. Notwithstanding any other provision of law to the contrary, a New York city revised plan member shall not receive service credit for any undocumented sick leave that may be credited toward terminal leave.

§ 57. Subdivisions a and a-1 of section 612 of the retirement and social security law, subdivision a as separately amended by section 9 of part B and section 3 of part C of chapter 504 of the laws of 2009 and subdivision a-1 as added by section 4 of part C of chapter 504 of the laws of 2009, are amended to read as follows:

a. Except as provided in subdivision a-1 of this section, a member who has five or more years of credited service, or ten or more years of credited service for a member who first joined the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, upon termination of employment, other than a member who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Except as provided in subdivision a-1 of this section, a member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credit-

ed service, or ten or more years of credited service for a member who first becomes a member of the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article **as amended by section eight of part B of chapter five hundred four of the laws of two thousand nine. Anything to the contrary notwithstanding, a member of a public retirement system of the state who first became a member of such system on or after April first, two thousand twelve must have at least ten years of credited service in order to qualify for a deferred vested benefit under this section; such member shall not be entitled to such benefit prior to the member's attainment of age sixty-three; and such deferred vested benefit shall be computed pursuant to subdivision b-1 of section six hundred four of this article.**

a-1. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, other than such a member of either of such retirement systems who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall, upon termination of employment, be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, shall, upon termination of employment, be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article**, provided, however, that any such member of either of such retirement systems who is a New York city revised plan member shall be required to have at least ten years of credited service in order to be eligible for a deferred vested benefit, such member shall not be entitled to payability of such benefit prior to attainment of age sixty-three and such deferred vested benefit shall be computed pursuant to subdivision b-1 of section six hundred four of this article**.

§ 58. Paragraphs 1 and 2 of subdivision a and subdivisions f and g of section 613 of the retirement and social security law, paragraph 1 of subdivision a as amended and paragraph 2 of subdivision a as added by chapter 10 of the laws of 2000, subdivisions f and g as added by section 9-a of part B of chapter 504 of the laws of 2009, are amended to read as follows:

1. Except as provided by paragraph two of this subdivision, members shall contribute three percent of annual wages to the retirement system in which they have membership, **except that beginning April first, two thousand thirteen for members who first become members of a public retirement system of the state on or after April first, two thousand twelve, the rate at which each such member shall contribute in any current plan year (April first to March thirty-first) shall be determined by reference to the wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year as follows:**

(i) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

(ii) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

(iii) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

(iv) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

(v) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in a public retirement system of the state, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

The head of each retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

2. A member of the New York city employees' retirement system who is eligible to be a participant in the twenty-five-year and age fifty-five retirement program, as defined by paragraph five of subdivision a of section six hundred four-b of this article shall contribute two percent of annual wages to such system effective on the starting date of the elimination of additional member contributions, as defined in an election made pursuant to paragraph ten of subdivision e of section six hundred four-b of this article, **except that beginning April first, two thousand thirteen for members who first become members of the New York city employees' retirement system on or after April first, two thousand twelve, the rate at which each such member shall contribute in any current plan year (April first to March thirty-first) shall be determined by reference to the wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year as follows:**

(i) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

(ii) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

(iii) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

(iv) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

(v) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York city employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

f. Anything in subdivision a of this section to the contrary notwithstanding a member employed as a uniformed court officer or peace officer in the unified court system who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall contribute four percent of annual wages to the New York state and local employees' retirement system **, except that beginning April first, two thousand thirteen for members who first become members of the New York state and local employees' retirement system on or after April first, two thousand twelve, the rate at which each such member shall contribute in any current plan year (April first to March thirty-first) shall be determined by reference to the wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year as follows:**

1. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

2. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

3. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

4. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

5. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local employees' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

The head of the New York state and local employees' retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

g. Members who first join the New York state teachers' retirement system on or after January first, two thousand ten shall contribute three and one-half percent of annual wages to the New York state teachers' retirement system**, except that beginning April first, two thousand thirteen for members who first become members of the New York state teachers' retirement system on or after April first, two thousand twelve, the rate at which each such member shall contribute in any current plan year (July first to June thirtieth) shall be determined by**

reference to the wages of such member in the second plan year (July first to June thirtieth) preceding such current plan year as follows:

1. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

2. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

3. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

4. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

5. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (July first to June thirtieth) in which such member has established membership in the New York state teachers' retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

The head of the New York state teachers' retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

§ 59. Intentionally omitted.

§ 60. Section 650 of the retirement and social security law, as amended by chapter 746 of the laws of 1989, is amended to read as follows:

§ 650. Application. This article shall apply to a member of the New York city employees' retirement system (i) who holds the position of bridge and tunnel officer, sergeant or lieutenant with the Triborough bridge and tunnel authority, and has received or receives an appointment to at least one such position from a competitive civil service list; or (ii) who holds the position of assistant bridge and tunnel maintainer, bridge and tunnel maintainer, senior bridge and tunnel maintainer or laborer with the Triborough bridge and tunnel authority**, provided, however, that this article shall not apply to a New York city revised plan member (as defined in subdivision m of section six hundred one of this chapter)**.

§ 61. Paragraphs 1 and 1-a of subdivision b of section 911 of the retirement and social security law, paragraph 1 as amended by section 5 and paragraph 1-a as added by section 6 of part C of chapter 504 of the laws of 2009, are amended to read as follows:

1. Subject to the provisions of paragraph one-a of this subdivision, **and except as provided in paragraph one-b of this subdivision,** an eligible member (i) with a date of membership in a retirement system on or after July twenty-seventh, nineteen hundred seventy-six and (ii) who has ten or more years of membership or ten or more years of credited service with a retirement system under the provisions of article fourteen or fifteen of this chapter shall not be required to contribute to a retirement system pursuant to section five hundred seventeen or six hundred thirteen of this chapter as of the cessation date.

1-a. Notwithstanding the provisions of paragraph one of this subdivision or any other provision of law to the contrary, **and except as**

provided in paragraph one-b of this subdivision, a member of the New York city teachers' retirement system or the New York city board of education retirement system:

(i) who is a twenty-seven year participant in the age fifty-five retirement program (as defined in paragraph twelve of subdivision a of section six hundred four-i of this chapter), and

(ii) who becomes subject to the provisions of article fifteen of this chapter after the effective date of this paragraph, shall contribute to a retirement system pursuant to section six hundred thirteen of this chapter until he or she has completed twenty-seven years of credited service.

§ 62. Subdivision b of section 911 of the retirement and social security law is amended by adding a new paragraph 1-b to read as follows:

1-b. The provisions of this subdivision shall not apply to a New York city uniformed correction/sanitation revised plan member (as defined in subdivision twenty-five of section five hundred one of this chapter), an investigator revised plan member (as defined in subdivision twenty-seven of section five hundred one of this chapter) or a New York city revised plan member (as defined in subdivision m of section six hundred one of this chapter).

§ 63. Section 1000 of the retirement and social security law is amended by adding a new subdivision 10 to read as follows:

10. Anything to the contrary in subdivision four of this section notwithstanding, to obtain such credit, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and six percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section.

§ 64. Section 1202 of the retirement and social security law is amended by adding a new subdivision c to read as follows:

c. In no event shall the vested retirement allowance payable without optional modification be less than the actuarial equivalent of the total which results from the member's contributions accumulated with interest at five percent per annum compounded annually to the date of retirement.

§ 65. Section 1204 of the retirement and social security law, as added by section 1 of part A of chapter 504 of the laws of 2009, is amended to read as follows:

§ 1204. Member contributions. Members who are subject to the provisions of this article shall contribute three percent of annual wages to the retirement system in which they have membership**, except that beginning April first, two thousand thirteen for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, the rate at which each such member shall contribute in any current plan year (April first to March thirty-first) shall be determined by reference to the wages of such member in the second plan year (April first to March thirty-first) preceding such current plan year as follows:**

a. members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

b. members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

c. members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

d. members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

e. members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (April first to March thirty-first) in which such member has established membership in the New York state and local police and fire retirement system, such member shall contribute a percentage of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer. Effective April first, two thousand twelve, all members subject to the provisions of this article shall not be required to make member contributions on annual wages excluded from the calculation of final average salary pursuant to section 1203 of this article. Nothing in this section, however, shall be construed or deemed to allow members to receive a refund of any member contributions on such wages paid prior to April first, two thousand twelve.

Members who are enrolled in a retirement plan that limits the amount of creditable service a member can accrue shall not be required to make contributions pursuant to this section after accruing the maximum amount of service credit allowed by the retirement plan in which they are enrolled. The state comptroller shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed. In no way shall the member contributions made pursuant to this section be used to provide for pension increases or annuities of any kind.

§ 66. Intentionally omitted.

§ 67. The retirement and social security law is amended by adding a new section 1209 to read as follows:

§ 1209. Final average salary. For members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, a member's final average salary shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided, however, if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary. Wages in excess of the annual salary paid to the governor pursuant to section three of article four of the state constitution shall be excluded from the computation of final average salary for members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve.

§ 68. The retirement and social security law is amended by adding a new section 1210 to read as follows:

§ 1210. Wages. For members who first become members of the New York state and local police and fire retirement system on or after April first, two thousand twelve, the following items shall not be included in the definition of wages: a. wages in excess of the annual salary paid

to the governor pursuant to section three of article four of the state constitution, b. lump sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked, c. any form of termination pay, d. any additional compensation paid in anticipation of retirement, and e. in the case of employees who receive wages from three or more employers in a twelve month period, the wages paid by the third and each successive employer.

§ 69. Intentionally omitted.

§ 70. Intentionally omitted.

§ 71. Intentionally omitted.

§ 72. Subdivision 2 of section 182 of the education law, as added by chapter 1076 of the laws of 1968, is amended to read as follows:

2. Employee contributions. In the case of any electing employee, contributions at the rate of three [~~percentum~~] **per centum** of his state salary shall be deducted by the state comptroller as the employee contribution, provided however, that such employee contribution shall be made by the state in accordance with subdivision one of this section during such period as (a) either section seventy-a of the retirement and social security law or section five hundred twenty-eight of [~~the education law~~] **this title** provides that the contribution of each member of the New York state employees' retirement system or the New York state teachers' retirement system in the employ of the state shall be reduced by at least eight [~~percentum~~] **per centum** of his compensation, or (b) employee contributions to either such system are no longer required by reason of such system becoming noncontributory for state employees.

Notwithstanding any other law to the contrary, beginning April first, two thousand thirteen any electing employee appointed on or after April first, two thousand twelve, the rate at which each such employee shall contribute in any current plan year (January first to December thirty-first) shall be determined by reference to the wages of such member in the second plan year (January first to December thirty-first) preceding such current plan year as follows:

(a) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

(b) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

(c) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

(d) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

(e) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (January first to December thirty-first) in which such member has established membership in the Education Department Optional Retirement Program, such employee shall contribute a percent of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

§ 72-a. Section 390 of the education law is amended by adding two new subdivisions 3-a and 8-a to read as follows:

3-a. Beginning July first, two thousand thirteen, the term "eligible employees" shall also mean any person excluded from or not encompassed within a negotiating unit within the meaning of article fourteen of the

civil service law who would otherwise be entitled to receive a benefit under the retirement and social security law or the education law initially hired on or after July first, two thousand thirteen with estimated annual wages of seventy-five thousand per annum or greater. Such estimate of annual wages to determine eligibility for the purposes of this subdivision shall be provided by the employer. For the purposes of this subdivision, a newly hired state employee whose immediate preceding employment was with another department, division, or agency of the state shall not be deemed to be an eligible employee.

8-a. Beginning July first, two thousand thirteen, the term "electing employer" shall also mean any public employer within the state of New York that employs one or more employees who have elected to participate in the optional retirement program established pursuant to this article.

§ 72-b. Section 392 of the education law is amended by adding a new subdivision 1-a to read as follows:

1-a. Employer contributions. In the case of any electing employee excluded from or not encompassed within a negotiating unit within the meaning of article fourteen of the civil service law initially hired on or after July first, two thousand thirteen, the state and the electing employer shall, during the continuance of his or her employment, make contributions at the rate of eight per centum of his or her salary.

§ 73. Paragraph (c) of subdivision 2 of section 392 of the education law, as added by chapter 617 of the laws of 2007, is amended and a new paragraph (d) is added to read as follows:

(c) Notwithstanding any other provision of this section or any other law to the contrary, (1) on and after April first, two thousand eight for a member who joined the optional retirement program established pursuant to this article **before April first, two thousand twelve** and who has ten or more years of membership in such optional retirement program, the state shall contribute one-third of the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee; and (2) on and after April first, two thousand nine for a member who joined the optional retirement program established pursuant to this article **before April first, two thousand twelve** and who has ten or more years of membership in such optional retirement program, the state shall contribute two-thirds of the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee; and (3) on and after April first, two thousand ten for a member who joined the optional retirement program established pursuant to this article **before April first, two thousand twelve** and who has ten or more years of membership in such optional retirement program, the state shall contribute the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee. **The provisions of this paragraph shall not apply to any electing employee who becomes a member of the optional retirement program on or after April first, two thousand twelve.**

(d) Notwithstanding any other law to the contrary, beginning April first, two thousand thirteen any electing employee appointed on or after April first, two thousand twelve, the rate at which each such employee shall contribute in any current plan year (January first to December thirty-first) shall be determined by reference to the wages of such member in the second plan year (January first to December thirty-first) preceding such current plan year as follows:

(i) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

(ii) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

(iii) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

(iv) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

(v) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (January first to December thirty-first) in which such member has established membership in the State University Optional Retirement Program, such employee shall contribute a percent of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

§ 74. Paragraph (c) of subdivision 2 of section 6252 of the education law, as added by chapter 617 of the laws of 2007, is amended and a new paragraph (d) is added to read as follows:

(c) Notwithstanding any other provision of this section or any other law to the contrary, (1) on and after April first, two thousand eight for a member who joined the optional retirement program established pursuant to this article **before April first, two thousand twelve** and who has ten or more years of membership in such optional retirement program, the city shall contribute one-third of the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee; and (2) on and after April first, two thousand nine for a member who joined the optional retirement program established pursuant to this article **before April first, two thousand twelve** and who has ten or more years of membership in such optional retirement program, the city shall contribute two-thirds of the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee; and (3) on and after April first, two thousand ten for a member who joined the optional retirement program established pursuant to this article **before April first, two thousand twelve** and who has ten or more years of membership in such optional retirement program, the city shall contribute the three percent employee contribution required pursuant to the provisions of this section on behalf of such employee. **The provisions of this paragraph shall not apply to any electing employee who becomes a member of the optional retirement program on or after April first, two thousand twelve.**

(d) Notwithstanding any other law to the contrary, beginning April first, two thousand thirteen any electing employee appointed on or after April first, two thousand twelve, the rate at which each such employee shall contribute in any current plan year (January first to December thirty-first) shall be determined by reference to the wages of such member in the second plan year (January first to December thirty-first) preceding such current plan year as follows:

(1) members with wages of forty-five thousand dollars per annum or less shall contribute three per centum of annual wages;

(2) members with wages greater than forty-five thousand per annum, but not more than fifty-five thousand per annum shall contribute three and one-half per centum of annual wages;

(3) members with wages greater than fifty-five thousand per annum, but not more than seventy-five thousand per annum shall contribute four and one-half per centum of annual wages;

(4) members with wages greater than seventy-five thousand per annum but not more than one hundred thousand per annum shall contribute five and three-quarters per centum of annual wages; and

(5) members with wages greater than one hundred thousand per annum shall contribute six per centum of annual wages.

Notwithstanding the foregoing, during each of the first three plan years (January first to December thirty-first) in which such member has established membership in the Board of Higher Education Optional Retirement Program, such employee shall contribute a percent of annual wages in accordance with the preceding schedule based upon a projection of annual wages provided by the employer.

§ 75. Paragraphs (b) and (c) of subdivision 86 of section 13-101 of the administrative code of the city of New York, as added by chapter 114 of the laws of 1989, are amended to read as follows:

(b) In the case of a uniformed force member who is a member of the uniformed force of the department of sanitation and is not a **Tier III member (as defined in subdivision seventy-three of this section) or a** Tier IV member (as defined in subdivision seventy-six of this section), the term "normal rate of contribution as a uniformed force member" shall mean the proportion of such member's earnable compensation required to be deducted from his or her compensation by the applicable provisions of sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or her member contributions, exclusive of any increase in such contributions pursuant to subdivision d, e, or f of section 13-125 of this chapter, or any decrease in such contributions on account of any program for increased-take-home-pay or pursuant to subdivision one of section one hundred thirty-eight-b of the retirement and social security law (relating to election to decrease member contributions by contributions due on account of social security coverage).

(c) In the case of any uniformed force member **(1)** who is both a member of the uniformed correction force and a Tier III member, **or (2) who is both a member of the uniformed force of the department of sanitation and a Tier III member,** the term "normal rate of contribution as a uniformed force member" shall mean the percentage of the annual wages of such member required to be deducted from such member's wages by subdivision a of section five hundred seventeen of the retirement and social security law, as his or her member contributions.

§ 76. Paragraph (b) of subdivision 87 of section 13-101 of the administrative code of the city of New York, as added by chapter 114 of the laws of 1989, is amended to read as follows:

(b) a uniformed force member who is not required to contribute during such payroll period because he or she is a Tier III member who, having contributed for thirty years, **or who, in the case of a New York city uniformed correction/sanitation revised plan member (as defined in subdivision twenty-five of section five hundred one of the retirement and social security law), having contributed for twenty-five years,** has discontinued member contributions pursuant to subdivision a of section five hundred seventeen of the retirement and social security law.

§ 77. Paragraph (c) of subdivision 89 of section 13-101 of the administrative code of the city of New York, as added by chapter 114 of the laws of 1989, is amended to read as follows:

(c) In the case of any contributing uniformed force member who is both (1) a member of the uniformed correction force (as defined in subdivi-

sion thirty-nine of this section) **or the uniformed force of the department of sanitation (as defined in subdivision sixty-two of this section)** and (2) a Tier III member (as defined in subdivision seventy-three of this section), the term "uniformed force member contributions eligible for pick up by the employer" shall mean the amount which, in the absence of a pick up program applicable to such member pursuant to section 13-125.1 of this chapter, would be required to be deducted from the wages of such member for such payroll period pursuant to subdivision a of section five hundred seventeen of the retirement and social security law as his or her required member contributions for such payroll period.

§ 78. Paragraph 14 of subdivision e of section 13-638.4 of the administrative code of the city of New York, as added by chapter 749 of the laws of 1992, is amended to read as follows:

(14) **(i)** Subject to the provisions of subdivision f of this section and the provisions of subdivision c of section six hundred eight of the RSSL, where those provisions are applicable, and notwithstanding the provisions of subdivision a of section six hundred eight of the RSSL, for a tier IV member of NYCERS **who is not a New York city revised plan member (as defined in subdivision m of section six hundred one of the RSSL)** or **for a tier IV member of** BERS **who is not a New York city revised plan member**, the term "final average salary", as used in article fifteen of the RSSL, shall be equal to the greater of:

[~~(i)~~] **(A)** one-third of the highest total wages earned by such member during any continuous period of employment for which the member was credited with three years of service credit; provided that if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous two years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary; or

[~~(ii)~~] **(B)** the total wages earned during any six consecutive years from service for which the member received service credit divided by the amount of such service credit earned during that six-year period**, provided, however, that "wages", as used in this paragraph, shall mean the applicable provisions and limitations of the term "wages", as defined in subdivision 1 of section six hundred one of the RSSL**.

(ii) Subject to the provisions of subdivision f of this section where those provisions are applicable, and notwithstanding the provisions of subdivisions a and c of section six hundred eight of the RSSL, for a tier IV member of NYCERS who is a New York city revised plan member (as defined in subdivision m of section six hundred one of the RSSL) or a tier IV member of BERS who is a New York city revised plan member, the term "final average salary", as used in article fifteen of the RSSL, shall be equal to one-fifth of the highest total wages earned by such member during any continuous period of employment for which the member was credited with five years of service credit; provided that if the wages earned during any year of credited service included in the period used to determine final average salary exceeds the average of the wages of the previous four years of credited service by more than ten percent, the amount in excess of ten percent shall be excluded from the computation of final average salary, provided further that "wages", as used in this paragraph, shall mean the applicable provisions and limitations of the term "wages", as defined in subdivision l of section six hundred one of the RSSL.

§ 78-a. Section 63-c of the executive law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any other law to the contrary, including without limitation; section sixty-four of this article; the education law; the retirement and social security law and the administrative code of the city of New York, the portion of all money received by the attorney general in connection with the settlement of an action arising out of the management, operation, investments of or otherwise in connection with a retirement or other fund established pursuant to the education law, the retirement and social security law or the administrative code of the city of New York attributable to the harm suffered by such fund shall be deposited into such fund.

§ 79. Nothing contained in sections seventy-five, seventy-six and seventy-seven of this act shall be construed to create any contractual right with respect to members to whom such sections apply. The provisions of such sections are intended to afford members the advantages of certain benefits contained in the internal revenue code, and the effectiveness and existence of such sections and benefits they confer are completely contingent thereon.

§ 80. Notwithstanding any provision of law to the contrary, nothing in this act shall limit the rights accruing to employees pursuant to a collective bargaining agreement for the unexpired term of such agreement or the eligibility of any member of an employee organization to join a special retirement plan open to him or her pursuant to a collectively negotiated agreement with any state or local government employer, where such agreement is in effect on the effective date of this act and so long as such agreement remains in effect thereafter; provided, however, that any such eligibility shall not apply upon termination of such agreement for employees otherwise subject to the provisions of article 22 of the retirement and social security law, provided further that this section shall not be construed as authorizing any member who first joins a public retirement system of the state (as defined in subdivision 23 of section 501 of the retirement and social security law) on or after April 1, 2012 to become a participant in any of the special plans established by section 504-a, 504-b, 504-d, 604-a, 604-c (as added by chapter 96 of the laws of 1995), 604-d or 604-i of the retirement and social security law or section 13-157.1 or 13-157.4 of the administrative code of the city of New York.

§ 81. No enhancement, increase or other alteration or change in the benefit structure provided herein shall be authorized.

§ 81-a. The retirement and social security law is amended by adding a new section 25 to read as follows:

§ 25. Appropriations in retirement bills. The state shall make a payment to the retirement system in an amount equal to the value of the benefits associated with prior service upon the enactment of a bill which enacts or amends any provision of law relating to a retirement system or plan of the state of New York or of any of its political subdivisions. The state may amortize such payment over a five year period at a rate of interest to be determined by the retirement system. Such bill shall contain an itemized appropriation from the state's general fund beginning for the fiscal year in which such amendment becomes effective and which shall not be used for any other purpose, sufficient to disburse a minimum of the first of five such amortization payments plus the present value of the benefits provided to employees of the state or its political subdivisions by the bill for the current fiscal year. The state shall continue to pay for the cost of the benefits as provided by the bill to the state and its political subdivisions on an ongoing basis. Such appropriation from the state's general fund shall

only be required when a bill is enacted on a statewide basis. In addition, such appropriation from the state's general fund shall not be required when the benefits provided by a particular bill must be elected by a participating employer, local government, or school district.

§ 81-b. The retirement and social security law is amended by adding three new articles 23, 24, and 25 to read as follows:

ARTICLE 23

BENEFIT ENHANCEMENTS

Section 1300. Definitions.
1301. Election of benefit enhancements.
1302. Benefit enhancements.
1303. Additional member contributions.
1304. Election not collectively bargained.

§ 1300. Definitions. The following words and phrases as used in this article shall have the following meanings unless a different meaning is plainly required by the context:

a. "Retirement system" shall mean the New York state and local employees' retirement system and the New York state teachers' retirement system.

b. "Eligible employee", subject to the limitations of section thirteen hundred two of this article, shall mean a state employee that becomes a member of a retirement system who first became a member of such system on or after April first, two thousand twelve who is identified as eligible to receive the benefit enhancements provided for in this article upon election by the state of New York pursuant to section thirteen hundred one of this article.

§ 1301. Election of benefit enhancements. a. The state of New York may elect to provide its employees the benefit enhancements provided for in section thirteen hundred two of this article.

b. A separate election to provide benefit enhancements pursuant to subdivision a of this section must be made for each specific collective bargaining organization, recognized or certified pursuant to article fourteen of the civil service law.

c. Such election is made by the governor to the retirement system upon receipt of a request from the collective bargaining organization, recognized or certified pursuant to article fourteen of the civil service law to represent such eligible employees. No such petition shall be required for employees who are not represented for the purposes of collective bargaining subject to the limitation provided in section nine hundred two of this chapter.

§ 1302. Benefit enhancements. Notwithstanding any other law to the contrary, eligible employees shall be permitted to retire, without penalty, upon reaching age fifty-seven and completing at least thirty years of credited service. Employees retiring pursuant to this section shall receive a pension allowance equal to the sum of thirty-five per centum and one-fiftieth of final average salary for each year of service in excess of twenty times final average salary times years of credited service.

§ 1303. Additional member contributions. Upon election by the state of New York, the retirement system shall require additional member contributions to be paid by all eligible employees. The additional member contributions to be paid by eligible employees shall be of a level so that no additional contributions shall be paid by the state to cover the cost of such additional benefits. Additional member contributions made pursuant to this section shall be in addition to member contributions made pursuant to other provisions of this chapter.

1 § 1304. Election not collectively bargained. The determination to
2 make an election in accordance with this article shall not be deemed to
3 be, or to relate to or affect, a term and condition of employment within
4 the meaning of article fourteen of the civil service law or any local
5 law enacted in furtherance thereof.
6 ARTICLE 24
7 BENEFIT ENHANCEMENTS
8 Section 1310. Definitions.
9 1311. Election of benefit enhancements.
10 1312. Benefit enhancements.
11 1313. Additional member contributions.
12 1314. Election not collectively bargained.
13 § 1310. Definitions. The following words and phrases as used in this
14 article shall have the following meanings unless a different meaning is
15 plainly required by the context:
16 a. "Retirement system" shall mean the New York state and local employ-
17 ees' retirement system and the New York state teachers' retirement
18 system.
19 b. "Eligible employee", subject to the limitations of section thirteen
20 hundred twelve of this article, shall mean a member of a retirement
21 system who first became a member of such system on or after April first,
22 two thousand twelve who is identified as eligible to receive the benefit
23 enhancements provided for in this article upon election by the state of
24 New York pursuant to section thirteen hundred eleven of this article.
25 § 1311. Election of benefit enhancements. a. The state of New York may
26 elect to provide employees who hold a position represented by the recog-
27 nized collective bargaining units affiliated with the New York state
28 united teachers employee organization as certified by his or her employ-
29 er the benefit enhancements provided for in section thirteen hundred
30 twelve of this article.
31 b. Such election is made by the governor to the retirement system upon
32 receipt of a request by the New York state united teachers employee
33 organization.
34 § 1312. Benefit enhancements. Notwithstanding any other law to the
35 contrary, eligible employees shall be permitted to retire, without
36 penalty, upon reaching age fifty-seven and completing at least thirty
37 years of credited service. Employees retiring pursuant to this section
38 shall receive a pension allowance equal to the sum of thirty-five per
39 centum and one-fiftieth of final average salary for each year of service
40 in excess of twenty times final average salary times years of credited
41 service.
42 § 1313. Additional member contributions. Upon election by the state of
43 New York, the retirement system shall require additional member contrib-
44 utions to be paid by all eligible employees. The additional member
45 contributions to be paid by eligible employees shall be of a level so
46 that no additional contributions shall be paid by the state or partic-
47 ipating employers in the retirement system to cover the cost of such
48 additional benefits. Additional member contributions made pursuant to
49 this section shall be in addition to member contributions made pursuant
50 to other provisions of this chapter.
51 § 1314. Election not collectively bargained. The determination to
52 make an election in accordance with this article shall not be deemed to
53 be, or to relate to or affect, a term and condition of employment within
54 the meaning of article fourteen of the civil service law or any local
55 law enacted in furtherance thereof.

ARTICLE 25
BENEFIT ENHANCEMENTS

Section 1320. Definitions.
1321. Election of benefit enhancements.
1322. Benefit enhancements.
1323. Additional member contributions.
1324. Election not collectively bargained.

§ 1320. Definitions. The following words and phrases as used in this article shall have the following meanings unless a different meaning is plainly required by the context:

a. "Retirement system" shall mean the New York city employees' retirement system, the New York city teachers' retirement system, and the New York city board of education retirement system.

b. "Eligible employee", subject to the limitations of section thirteen hundred twenty-two of this article, shall mean a member of a retirement system who first became a member of such system on or after April first, two thousand twelve who is identified as eligible to receive the benefit enhancements provided for in this article upon election by the city of New York pursuant to section thirteen hundred twenty-one of this article.

§ 1321. Election of benefit enhancements. a. The city of New York may elect to provide its employees the benefit enhancements provided for in section thirteen hundred twenty-two of this article.

b. A separate election to provide benefit enhancements pursuant to subdivision a of this section must be made for each specific collective bargaining organization, recognized or certified pursuant to article fourteen of the civil service law.

c. Such election may be made at the sole discretion of the mayor of the city of New York to the retirement systems upon receipt of a request from the collective bargaining organization, recognized or certified pursuant to article fourteen of the civil service law to represent such eligible employees. No such petition shall be required for employees who are not represented for the purposes of collective bargaining subject to the limitation provided in section nine hundred two of this chapter.

§ 1322. Benefit enhancements. Notwithstanding any other law to the contrary, eligible employees shall be eligible to receive benefits specified by the mayor of the city of New York, provided that the petition provided pursuant to subdivision c of section thirteen hundred twenty-one of this article requested the election of such benefits.

§ 1323. Additional member contributions. Upon election by the city of New York, the retirement system shall require additional member contributions to be paid by all eligible employees. The additional member contributions to be paid by eligible employees shall be of a level so that no additional contributions shall be paid by the city of New York to cover the cost of such additional benefits. Additional member contributions made pursuant to this section shall be in addition to member contributions paid pursuant to other provisions of this chapter.

§ 1324. Election not collectively bargained. The determination to make an election in accordance with this article shall not be deemed to be, or to relate to or affect, a term and condition of employment within the meaning of article fourteen of the civil service law or any local law enacted in furtherance thereof.

§ 82. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in

1 its operation to the clause, sentence, paragraph, subdivision, section
2 or part thereof directly involved in the controversy in which such judg-
3 ment shall have been rendered. It is hereby declared to be the intent of
4 the legislature that this act would have been enacted even if such
5 invalid provisions had not been included herein.
6 § 83. This act shall take effect April 1, 2012, provided that the
7 amendments to subdivision a of section 603 of the retirement and social
8 security law made by section thirty-one of this act shall be subject to
9 the expiration and reversion of such subdivision pursuant to section 13
10 of chapter 682 of the laws of 2003, as amended, provided, further that
11 the amendments to subdivisions 86, 87 and 89 of section 13-101 of the
12 administrative code of the city of New York made by sections seventy-
13 five, seventy-six and seventy-seven of this act shall not affect the
14 expiration of such subdivisions and shall be deemed to expire therewith.

FISCAL NOTE.--Pursuant to Section 50 of the Legislative Law, the fiscal note that must be appended in its entirety to this bill is:

This bill would amend various sections of the Education Law, the Retirement and Social Security Law, and the Administrative Code of the City of New York to implement a new retirement benefit structure for members who first join a public retirement system of the state or New York City on or after April 1, 2012. The following provisions are with respect to members of the New York State Teachers' Retirement System. Members would be eligible for an unreduced retirement benefit upon attainment of age 63. Benefits would be vested after ten years of credited service. Members would be permitted to receive a reduced retirement benefit as early as age 55 with a reduction of 6.5% per year for each year that commencement precedes age 63. The retirement benefit formula for members whose years of service are less than 20 would be equal to one-sixtieth of final average salary times years of service. The retirement benefit formula for those members whose years of service is 20 or more would be equal to 1.75% times years of service up to 20, and 2.0% times years of service in excess of 20. Final average salary would be determined as the average of the highest five consecutive years of salary. Salary in excess of ten percent over the average of the four previous years would not be included in the final average salary. Members would be required to contribute between three and six percent of annual salary each year based upon their earnings in the second plan year preceding the current year in accordance with the schedule below:

Wages Earned	**Member Contribution Rate**
$45,000 or less	3.00%
Greater than $45,000 but not greater than $55,000	3.50%
Greater than $55,000 but not greater than $75,000	4.50%
Greater than $75,000 but not greater than $100,000	5.75%
Greater than $100,000	6.00%

Wages in excess of the annual salary paid to the Governor pursuant to the state constitution are not includable. Additionally in the case of members who work for multiple employers, only salary received from two employers is includable.

In Article 23-a of the bill, if NYSUT petitions the Governor to add the provisions of this section, and the Governor so elects, then a 57/30 benefit enhancement is added in which eligible members may retire with an unreduced benefit upon reaching age 57 provided they have completed at least 30 years of credited service. Upon election of this section, NYSTRS shall determine the cost of this provision, and the member contribution rate shall be increased by this amount, such that there is no additional cost to employers due to the provisions of this section.

The current required employer contribution rate for the New York State Teachers' Retirement System is 11.11% of pay, applicable to 7/1/11 - 6/30/12 member salaries and to be collected in the fall of 2012. This rate is estimated to increase to 11.84% for the 7/1/12 - 6/30/13 fiscal year. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after April 1, 2012, it will be several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-4/1/12 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 10.9% of pay under the Tier 4 benefit structure and 7.9% of pay under the Tier 5 benefit structure, in accordance with the actuarial assumptions adopted by the Retirement Board on October 27, 2011. This can be thought of as the long-term expected cost of the benefit structure, based on current actuarial assumptions. For the proposed new benefit structure as described above, this new entrant rate would be equal to 4.6% of pay.

With respect to the breakdown of the total plan cost into employer and employee portions, the long-term expected total cost of the benefit structure for Tier 4 breaks down approximately as 89/11 employer/employee, for Tier 5 the split is 69/31 employer/employee, and for the Tier 6 benefit structure proposed here the split would be 49/51 employer/employee, based on current actuarial assumptions. Of course the employee contribution rate is fixed, while the employer contribution rate is variable as employers are responsible for overall funding and assume all risks and benefits associated with investment performance and demographic experience. The actual employer cost in a given year could be higher or lower than the cost projected above depending on how actual investment returns and demographic experience differ from what is projected.

The source of this estimate is Fiscal Note 2012-23 dated March 14, 2012 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2012 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE.--This bill would require new members who first join public retirement systems in New York State on or after April 1, 2012 to become covered under the provisions of a new defined benefit plan. New non-unionized members who first join public retirement systems in New York State on or after July 1, 2013 would have the option of joining an existing defined contribution plan.

Insofar as this bill would affect the New York State and Local Employees Retirement System (ERS), the significant design changes to the current defined benefit plan include:

1. Beginning April 1, 2013, employee contributions of X% of pay for all years of service, (except members enrolled in a plan that limits the amount of creditable service that may be accrued would not be required to contribute after accruing the maximum amount of creditable service under such plan), where the X% applies for a fiscal year and is determined as follows:

Annual Pensionable salary	X%

as of 3/31/two fiscal years prior	
up to $45,000.00	3.00%
$45,000.01 to $55,000.00	3.50%
$55,000.01 to $75,000.00	4.50%
$75,000.01 to $100,000.00	5.75%
$100,000.01 or more	6.00%

2. The service retirement benefit would be one-sixtieth (1.67%) of FAS for less than 20 years of creditable service, OR, when creditable service is 20 years or more, 35% plus one-fiftieth (2.00%) of FAS for service credit in excess of 20 years,

3. Members in regular plans (where retirement eligibility requires the attainment of a certain age as well as the accumulation of a certain amount of service credit) must attain age 63 before they may receive an unreduced service retirement benefit. Retirement with reductions can commence at age 55 with the application of an early age reduction factor at a rate of 6.5% per year.

4. Final average salary (FAS) would be based on a 5 year average, with no year's salary permitted to exceed 10% of the average of the previous 4 year's salary,

5. Reportable salary (for a fiscal year) may not exceed the salary of the Governor of the state of New York, which currently is set in law to be $179,000 (the reportable salary would change when the Governor's salary does) and pensionable salary applies on salary from no more than two employers per fiscal year,

6. Lump sum vacation pay, any form of termination pay and additional compensation paid in anticipation of retirement would no longer be included in a member's final average salary,

7. Service credit for unused sick leave time is capped at 100 days,

8. An early age retirement starting at age 57 for those with 30 or more years of creditable service is potentially provided to petitioning bargaining units subject to approval by the Governor of the state of New York with the enhanced benefit paid for by an additional employee contribution yet to be determined.

If this bill is enacted, NYSLRS would calculate new plan rates for all ERS members who first enter on or after April 1, 2012. The long term expected annual employer normal contribution rate for new general members would be approximately 5.7% of payroll. The long term expected annual employer total contribution rate for new general members (includes Group Term Life Insurance and the administrative rate) would be approximately 6.4% of payroll.

For fiscal year 2013, the total contribution rate for new general members (includes Group Term Life Insurance and the administrative rate) would be approximately 10.0% of payroll. The FY 2013 contributions assume that the new tier will be added to the existing ERS plan, and does not become its own, independent plan.

For ERS members in retirement plans that allow retirement without regard to age, the long term expected and FY 2013 contributions would vary by plan with a representative set of the larger plans given in the table below (with the general plan for tiers 5 and 6 included for reference):

Plan	Long Term Expected Total Contribution	FY 2013 Contribution
Tier 5 General	9.4%	14.9%
Tier 6 General	6.4%	10.0%
Tier 5 Non-State COs	10.6%	17.5%
Tier 6 Non-State COs	7.2%	11.5%

Tier 5 State COs	12.1%	19.8%
Tier 6 State COs	8.8%	14.2%
Tier 5 Sheriffs (553)	16.2%	26.5%
Tier 6 Sheriffs (553)	12.9%	20.9%

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System (PFRS), the significant design changes to the defined benefit plan include:

1. Beginning April 1, 2013, employee contributions of X% of pay for all years of service, (except members enrolled in a plan that limits the amount of creditable service that may be accrued would not be required to contribute after accruing the maximum amount of creditable service under such plan), where the X% applies for a fiscal year and is determined as follows:

Annual Pensionable salary as of 3/31/two fiscal years prior	X%
up to $45,000.00	3.00%
$45,000.01 to $55,000.00	3.50%
$55,000.01 to $75,000.00	4.50%
$75,000.01 to $100,000.00	5.75%
$100,000.01 or more	6.00%

2. Final average salary (FAS) would be based on a 5 year average, with no year's salary permitted to exceed 10% of the average of the previous 4 year's salary,

3. Reportable salary (for a fiscal year) may not exceed the salary of the Governor of the state of New York, which currently is set in law to be $179,000 (the reportable salary would change when the Governor's salary does) and pensionable salary applies on salary from no more than two employers per fiscal year,

4. Any form of termination pay and additional compensation paid in anticipation of retirement would no longer be included in a member's final average salary,

5. Members in regular plans (where retirement eligibility requires the attainment of a certain age as well as the accumulation of a certain amount of service credit) must attain age 63 before they may receive a service retirement benefit,

6. Service credit for unused sick leave time is capped at 100 days, If this bill is enacted, NYSLRS would calculate new plan rates for all PFRS members who first enter on or after April 1, 2012. For PFRS members in retirement plans that allow retirement without regard to age, the long term expected and FY 2013 contributions would vary by plan with a representative set of the larger plans given in the table below. The FY 2013 contributions assume that the new tier will be added to the existing PFRS plan, and does not become its own, independent plan.

Plan	Long Term Expected Total Contribution	FY 2013 Contribution
Tier 5 384D	14.8%	20.1%
Tier 6 384D	10.5%	14.1%
Tier 5 384E	15.1%	20.5%
Tier 6 384E	10.8%	14.5%
T5 State Police	16.2%	22.1%
T6 State Police	11.1%	15.0%

There would also be additional administrative expenses to inform employers and new members of the new plan provisions and to modify automated systems. Employee contributions would now be a function of base salary instead of one fixed rate. To implement these employee contribution rate changes the modification of NYSLRS automated systems would be

substantial with an associated implementation expense estimated at $3 to 5 million. The more complicated system would be more challenging to maintain, apply, and explain, resulting in estimated annual ongoing expenses in the millions of dollars. The state and each of the approximately 3,000 participating employers would have to modify their methods for withholding employee contributions, which could also lead to total expenses in the millions of dollars. Lastly, the bill contains no appropriation to support the additional payroll administrative expense to the Office of the State Comptroller or the implementation and ongoing expenses of NYSLRS related to the new tier.

This bill would provide new members who first join public retirement systems in New York State on or after July 1, 2013 the option to become covered under an existing defined contribution plan in lieu of the defined benefit plan.

There would be additional NYSLRS administrative expenses to inform employers and new members of the option. These expenses are expected to be small.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 14, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-117, prepared by the Actuary for the ERS and PFRS.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would require new members who first join any of the five New York City pension systems on or after April 1, 2012 to become covered under the provisions of a new defined benefit plan, Tier 6. The significant design elements of the plan are:

For non-uniformed employees:

1. Retirement age 63.
2. Benefit formula:

- 1.75% for each year of service up to 20 years
- 2.0% for each year of service from 20 years to 30 years
- 2.0% for each year of service beyond 30 years

3. Employee Contributions:

Employee Salaries	Contribution %
Less than $45,000	3%
$45,000-55,000	3.5%
$55,000-75,000	4.5%
$75,000-100,000	5.75%
$100,000+	6%

4. Vesting after 10 years of service
5. Final Average Salary (FAS) computed on a 5-year average with a 4 year look-back for years in excess of 10% above the preceding years.
6. Cap maximum pensionable earnings at the Governor's salary.

7. An early retirement option for employees under 63 years of age which allows them to retire as young as age 55 with a 6.5% reduction in the benefit per year for each year below age 63.

For employees who are members of the uniformed forces:

All employees covered by these provisions would receive benefits as described under the section of the law that sets out the Tier 3 provisions. Additionally, the Final Average Salary (FAS) is computed on a 5-year average with a 4 year look-back for years in excess of 10% above the preceding years.

The impact of this legislation on City's Fiscal Year 2015 would be a savings of approximately $49 million. The total impact on the City's budget over the next 30 years would be a savings of approximately $21 billion.

This estimate, dated March 14, 2012, and intended for use only during the 2012 Legislative Session, was prepared by the city of New York office of management and budget.

STATE OF NEW YORK

S. 6960 A. 9831

SENATE - ASSEMBLY

April 16, 2012

IN SENATE -- Introduced by Sen. ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. ABBATE -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

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

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

Section 1. Subparagraphs 1, 2, 3 and 4 of paragraph c of subdivision 1 of section 130 of the civil service law are REPEALED and two new subparagraphs 1 and 2 are added to read as follows:

(1) Effective April first, two thousand ten for officers and employees on the administrative payroll and effective March twenty-fifth, two thousand ten for officers and employees on the institutional payroll:

PEF SALARY SCHEDULE
EFFECTIVE April 1, 2010 (ADMIN)
EFFECTIVE March 25, 2010 (INST)

SG	HIRING RATE	JOB RATE	ADVANCE AMOUNT	JOB RATE ADVANCE
1	$21,115	$27,249	$877	$877
2	$21,916	$28,343	$919	$919
3	$22,988	$29,730	$964	$964
4	$24,020	$31,115	$1,011	$1,033
5	$25,158	$32,602	$1,064	$1,064
6	$26,506	$34,317	$1,116	$1,116
7	$27,994	$36,173	$1,162	$1,212
8	$29,535	$38,089	$1,203	$1,339
9	$31,181	$40,136	$1,247	$1,477

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

LBD12120-03-2

10	$32,950	$42,368	$1,302	$1,610
11	$34,838	$44,762	$1,387	$1,608
12	$36,791	$47,138	$1,434	$1,745
13	$38,934	$49,821	$1,491	$1,941
14	$41,170	$52,552	$1,594	$1,824
15	$43,500	$55,455	$1,652	$2,045
16	$45,940	$58,468	$1,715	$2,238
17	$48,518	$61,763	$1,797	$2,466
18	$51,268	$65,190	$1,761	$3,362
19	$54,045	$68,637	$1,834	$3,594
20	$56,813	$72,076	$1,910	$3,803
21	$59,825	$75,862	$1,994	$4,074
22	$63,041	$79,819	$2,078	$4,316
23	$66,375	$83,954	$2,164	$4,599
24	$69,911	$88,256	$2,247	$4,865
25	$73,768	$92,974	$2,343	$5,150
26	$77,654	$95,718	$2,438	$3,438
27	$81,856	$100,822	$2,567	$3,567
28	$86,168	$105,829	$2,666	$3,666
29	$90,684	$111,064	$2,769	$3,769
30	$95,423	$116,516	$2,871	$3,871
31	$100,510	$122,354	$2,978	$3,978
32	$105,853	$128,400	$3,079	$4,079
33	$111,611	$134,868	$3,180	$4,180
34	$117,556	$141,585	$3,290	$4,290
35	$123,651	$148,421	$3,396	$4,396
36	$129,866	$155,451	$3,513	$4,513
37	$136,681	$163,033	$3,622	$4,622
38	$127,518			

(2) Effective March twenty-seven, two thousand fourteen for officers and employees on the administrative payroll and effective April three, two thousand fourteen for officers and employees on the institutional payroll:

PEF SALARY SCHEDULE
EFFECTIVE March 27, 2014 (ADMIN)
EFFECTIVE April 3, 2014 (INST)

SG	HIRING RATE	JOB RATE	ADVANCE AMOUNT	JOB RATE ADVANCE
1	$21,537	$27,795	$894	$895
2	$22,354	$28,913	$937	$940
3	$23,448	$30,323	$983	$981
4	$24,500	$31,735	$1,031	$1,051
5	$25,661	$33,253	$1,085	$1,084
6	$27,036	$35,005	$1,139	$1,141
7	$28,554	$36,899	$1,185	$1,239
8	$30,126	$38,848	$1,227	$1,363
9	$31,805	$40,936	$1,272	$1,504
10	$33,609	$43,212	$1,328	$1,639
11	$35,535	$45,660	$1,414	$1,642
12	$37,527	$48,078	$1,463	$1,777
13	$39,713	$50,814	$1,521	$1,977
14	$41,993	$53,606	$1,625	$1,863
15	$44,370	$56,567	$1,685	$2,089
16	$46,859	$59,638	$1,750	$2,284
17	$49,488	$63,001	$1,833	$2,518
18	$52,293	$66,494	$1,796	$3,429

19	$55,126	$70,013	$1,870	$3,668
20	$57,949	$73,519	$1,949	$3,881
21	$61,022	$77,376	$2,034	$4,152
22	$64,302	$81,415	$2,119	$4,401
23	$67,703	$85,635	$2,207	$4,693
24	$71,309	$90,020	$2,292	$4,961
25	$75,243	$94,834	$2,390	$5,254
26	$79,207	$97,632	$2,487	$3,507
27	$83,493	$102,838	$2,618	$3,638
28	$87,891	$107,946	$2,720	$3,740
29	$92,498	$113,285	$2,824	$3,844
30	$97,331	$118,846	$2,928	$3,948
31	$102,520	$124,801	$3,038	$4,058
32	$107,970	$130,968	$3,140	$4,160
33	$113,843	$137,565	$3,244	$4,264
34	$119,907	$144,417	$3,356	$4,376
35	$126,124	$151,389	$3,464	$4,484
36	$132,463	$158,561	$3,583	$4,603
37	$139,415	$166,294	$3,695	$4,715
38	$130,068			

§ 2. Paragraph (d) of subdivision 6 of section 131 of the civil service law is REPEALED.

§ 3. Compensation for certain state officers and employees in collective negotiating units. 1. The provisions of this section shall apply to full-time officers and employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law.

2. Effective March 27, 2014 for officers and employees on the administrative payroll and effective April 3, 2014 for officers and employees on the institutional payroll, the basic annual salary of officers and employees in full-time employment status on the day before such payroll period shall be increased by two percent adjusted to the nearest whole dollar amount.

3. Notwithstanding the provisions of subdivision two of this section, if the basic annual salary of an officer or employee to whom the provisions of this section apply is identical with the hiring rate or the job rate of the salary grade of his or her position on the effective date of the increase provided in this subdivision, such basic annual salary shall be increased to the hiring rate or job rate, respectively, of such salary grade as contained in the appropriate salary schedule in subparagraph 2 of paragraph c of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on the dates provided in subparagraph 2. Except as herein provided to the contrary, the increase in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivision two of this section.

4. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for annual salaried officers and employees entitled to such payments to whom the provisions of this section apply shall be payable in accordance with the terms of an agreement reached pursuant to article 14 of the civil service law between the state and an employee organization representing employees subject to the provisions of this section.

5. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this

section. If a position is created, and filled by the appointment of an officer or employee who is subject to the provisions of this section, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position which is or becomes vacant.

6. The increase in salary provided in subdivision two of this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis, and employees paid on any basis other than at an annual salary rate. Notwithstanding the foregoing, the provisions of subdivision three and four of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

7. In order to provide for the officers and employees to whom this section applies but are not allocated to salary grades, but are paid on an annual basis, increases and payments pursuant to subdivisions 4 and 11 of this section in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments and/or payments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries and/or payments thereof for which adjustments and/or payments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chair of the senate finance committee and the chair of the assembly ways and means committee.

8. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis, provided however, that the increase in basic annual salary provided for in subdivision two of this section shall apply to fire instructors paid on a fee schedule basis employed by the division of homeland security and emergency services.

9. Notwithstanding any other provision of this section, except subdivision one, any increase in compensation for any officer or employee appointed to a lower graded position from a redeployment list pursuant to subdivision 1 of section 79 of the civil service law who continues to receive his or her former salary pursuant to such subdivision shall be determined on the basis of such lower graded position provided, however, that the increase in salary provided in this section shall not cause such officer's or employee's salary to exceed the job rate of such lower graded position.

10. Notwithstanding any other provision of this section or any law to the contrary, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section are applicable when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

11. Notwithstanding any law, rule or regulation to the contrary, officers and employees to whom the provisions of this section apply shall receive performance awards in accordance with the terms of a collectively negotiated agreement between the state and the employee organization representing such employees entered into pursuant to article 14 of the

civil service law, effective for the period commencing April 2, 2011 and ending April 1, 2015, in accordance with the rules and regulations issued by the director of the budget to implement payment of such negotiated performance awards.

§ 4. Location compensation for certain state officers and employees. Notwithstanding any inconsistent provisions of law, officers and employees, including seasonal officers and employees who shall receive the compensation provided for pursuant to this section on a pro-rated basis except part-time officers and employees, in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, 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 comptroller, is located: 1. in the county of Monroe and who were eligible to receive location pay on March 31, 1985, shall receive location pay at the rate of two hundred dollars per year provided they continue to be otherwise eligible; or 2. in the city of New York, or in the county of Rockland, Westchester, Nassau or Suffolk shall continue to receive a downstate adjustment at the annual rate of three thousand twenty-six dollars effective April 1, 2011; or 3. in the county of Dutchess, Putnam or Orange shall continue to receive a mid-Hudson adjustment at the annual rate of one thousand five hundred thirteen dollars effective April 1, 2011. Such location payments shall be in addition to and shall not be a part of an officer's or employee's basic annual salary, and shall not affect or impair any performance advancements or other rights or benefits to which an officer or employee may be entitled by law, provided, however, that location payments shall be included as compensation for purposes of computation of overtime pay and for retirement purposes. For the sole purpose of continuing eligibility for location pay in Monroe county, an officer or employee previously eligible to receive location pay on March 31, 1985 who is on an approved leave of absence or participates in an employer program to reduce to part-time service during summer months shall continue to be eligible for said location pay upon return to full-time state service in Monroe county.

§ 5. Continuation of location compensation for certain officers and employees of the Hudson Valley developmental disabilities services office.

1. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating unit designated as the professional, scientific and technical services unit, who is receiving location pay pursuant to section 5 of chapter 174 of the laws of 1993 shall continue to receive such location pay under the conditions and at the rate specified by such section.

2. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating unit designated as the professional, scientific and technical services unit, who is receiving location pay pursuant to subdivision 2 of section 9 of chapter 315 of the laws of 1995 shall continue to receive such location pay under the conditions and at the rates specified by such subdivision.

3. Notwithstanding section four of this act or any other law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the collective negotiating unit designated as the professional, scientific and technical services unit, who is receiving location pay pursuant to section

1 four of this act shall continue to be eligible for such location pay if
2 as the result of a reduction or redeployment of staff, such officer or
3 employee is reassigned to or otherwise appointed or promoted to a
4 different position at another work location within the Hudson Valley
5 developmental disabilities services office. The rate of such continued
6 location pay shall not exceed the rate such officer or employee is
7 receiving on the date of such reassignment, appointment or promotion.
8 § 6. Special assignment to duty pay. Notwithstanding any inconsistent
9 provisions of law, effective April 2, 2011, where and to the extent
10 that, an agreement between the state and an employee organization
11 entered into pursuant to article 14 of the civil service law so
12 provides, a special assignment to duty lump sum shall be paid each year
13 to an employee who is serving in a particular assignment deemed quali-
14 fied pursuant to such agreement. Such payment shall be in an amount
15 negotiated for those employees assigned to qualifying work assignments
16 and who work such assignments for the minimum periods of time in a year
17 provided in the negotiated agreement. Assignment to duty pay shall not
18 be paid in any year an employee does not meet the minimum period of time
19 in such qualifying assignment required by the agreement or upon cessa-
20 tion of the assignment to duty program on March 31, 2015 unless an
21 extension is negotiated by the parties. Such lump sum shall be consid-
22 ered salary only for final average salary retirement purposes.
23 § 7. Long term seasonal employees. Notwithstanding any inconsistent
24 provisions of law, effective April 2, 2011, where and to the extent
25 that, an agreement between the state and an employee organization
26 entered into pursuant to article 14 of the civil service law so
27 provides, a lump sum shall be paid each year to an employee who is serv-
28 ing in a qualifying long term seasonal position. Such payment shall be
29 in an amount negotiated and pursuant to negotiated qualifying criteria
30 and shall be considered salary only for final average salary retirement
31 purposes. Such benefit shall be available until March 31, 2015.
32 § 8. Notwithstanding any inconsistent provisions of law, where and to
33 the extent that any agreement between the state and an employee organ-
34 ization entered into pursuant to article 14 of the civil service law so
35 provides on behalf of employees in the collective negotiating unit
36 designated as the professional, scientific and technical services unit
37 established pursuant to article 14 of the civil service law, the state
38 shall contribute an amount designated in such agreement and for the
39 period covered by such agreement to the accounts of such employees
40 enrolled for dependent care deductions pursuant to subdivision 7 of
41 section 201-a of the state finance law. Such amounts shall be from funds
42 appropriated in this act and shall not be part of basic annual salary
43 for overtime or retirement purposes.
44 § 9. Notwithstanding any provision of law to the contrary, the appro-
45 priations contained in this act shall be available to the state for the
46 payment and publication of grievance and arbitration settlements and
47 awards pursuant to articles 33 and 34 of the collective negotiating
48 agreement between the state and the employee organization representing
49 the collective negotiating unit designated as the professional, scien-
50 tific and technical services unit established pursuant to article 14 of
51 the civil service law.
52 § 10. During the period April 2, 2011 through April 1, 2015, there
53 shall be a statewide labor-management committee continued and adminis-
54 tered pursuant to the terms of the agreement negotiated between the
55 state and an employee organization representing employees in the collec-
56 tive negotiating unit designated as the professional, scientific and

technical services unit established pursuant to article 14 of the civil service law which shall after April 2, 2011, have the responsibility of studying, making recommendations concerning the major issues of productivity, the quality of work life and implementing the agreements reached.

§ 11. Inconvenience pay program. Pursuant to chapter 333 of the laws of 1969, as amended, and an agreement negotiated between the state and an employee organization representing employees in the professional, scientific and technical services unit established pursuant to article 14 of the civil service law, an eligible employee shall continue to be paid five hundred seventy-five dollars per year for working four or more hours between the hours of 6:00 p.m. and 6:00 a.m. effective April 2, 2011.

§ 12. Notwithstanding any provision of law to the contrary, effective April 2, 2011, where and to the extent that an agreement between the state and an employee organization so provides for a pilot program concerning a firearms training and safety incentive for peace officers in the professional, scientific and technical services bargaining unit, a lump sum payment for such incentive shall be paid for each year of such pilot program to any employee who is deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees who meet criteria established by such pilot program. Such payment shall occur at the time prescribed by such pilot program or as soon as practicable thereafter. Such lump sum payment shall not be paid in any year an employee does not meet the qualifications and criteria of such pilot program or upon cessation of such pilot program on April 1, 2015 unless an extension is negotiated by the parties. Such lump sum payment shall be considered salary for overtime purposes.

§ 13. Notwithstanding any provision of law to the contrary, effective April 2, 2011, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of certain employees in the collective negotiating unit designated as the professional, scientific and technical services unit, and where there exists a policy requiring employees in the fire protection specialist title series at the office of fire prevention and control to wear uniforms, a lump sum uniform allowance shall be paid each year to covered employees in accordance with the terms of such agreement and policy. Such payments shall be in an amount negotiated for covered employees and shall not be paid in any year where a policy does not exist requiring uniforms in accordance with the terms of the agreement or where an employee is not required to wear a uniform or receives a regular uniform service. Such uniform allowance will cease to exist on April 1, 2015, unless an extension is negotiated by the parties. Such lump sum shall be considered salary only for final average salary purposes.

§ 14. The salary increases, salary deductions, salary reductions, benefit modifications, and any other modifications to the terms and conditions of employment provided for by this act for state employees in the collective negotiating unit designated as the professional, scientific and technical services unit established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to such negotiating units collectively negotiated agreements, ratified by the membership, which provide for such increases,

deductions, reductions and modifications and which are fully executed in writing with the state pursuant to article 14 of the civil service law.

§ 15. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2011 by the foregoing provisions of this act 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 to accomplish the purposes herein set forth, 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.

§ 16. Effect of participation in special annuity program. No officer or employee participating in a special annuity program pursuant to the provisions of article 8-c of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which he or she would otherwise be entitled by reason of participation in such program, and such salary adjustment shall be based upon the salary of such officer or employee without regard to the reduction authorized by such article.

§ 17. The several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning April 1, 2011 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

ALL STATE DEPARTMENT AND AGENCIES
SPECIAL PAY BILLS

General Fund / State Operations
State Purposes Account - 003

Nonpersonal Service

Professional development and quality of
working life committee 1,060,000
Health and Safety 1,376,000
PSPT Program 4,008,000
Joint Funded Programs 1,961,000
Multi-Funded Programs 1,919,000
Professional Development for Nurses 500,000
Property Damage 41,000
Family Benefits 3,769,000
Employee Assistance Program 852,000
Joint Committee on Health Benefits 500,000
PEF IT 1,000,000
Contract administration 300,000

1 § 18. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 2, 2011. Appropri-
3 ations made by this act shall remain in full force and effect for
4 liabilities incurred through March 31, 2013.

REPEAL NOTE.--Subparagraphs 1, 2, 3 and 4 of paragraph c of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for state employees in the professional, scientific and technical services unit and are replaced by revised salary schedules in new subparagraphs 1 and 2. Paragraph (d) of subdivision 6 of section 131 of the civil service law, repealed by section two of this act, provided employees holding positions allocated to Grade 18 or below the ability to advance to a merit step above the job rate in certain circumstances. The merit step was eliminated as of April 1, 2010.

STATE OF NEW YORK

S. 6374 A. 9168

SENATE - ASSEMBLY

February 1, 2012

IN SENATE -- Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Gustin L. Reichbach, currently serving as a justice of the supreme
3 court, second judicial district, and an active tier 4 member of the New
4 York state and local employees' retirement system, shall be eligible to
5 receive additional service credit for any time not already credited in
6 such system for the period from September 1, 2003 through February 27,
7 2004, during which period he rendered service as a judge with the United
8 Nations administration mission in Kosovo. The additional service credit
9 granted, when added to the service already credited, shall not exceed a
10 total of one year of credit for all service rendered in the fiscal year
11 ending March 31, 2004. Such additional credit shall be obtained only if
12 on or before December 31, 2012, Gustin L. Reichbach files a written
13 request for such service credit with the administrative head of the said
14 retirement system. All costs necessary to finance the granting of this
15 service credit shall be borne by the state of New York.
16 § 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, section 50:

This bill would grant additional service credit to Gustin L. Reichbach, a justice of the supreme court, for service rendered as a judge with the United Nations War Crimes Tribunal in Kosovo from September 1, 2003 through February 27, 2004.

If this bill is enacted, there will be an immediate past service cost of approximately $13,500, which would be borne by the State of New York

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

LBD13971-02-2

as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2013.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 27, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-77, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

10076

IN ASSEMBLY

May 3, 2012

Introduced by M. of A. AUBRY, ABBATE, FARRELL -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

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 who are members of the security services collective negotiating unit and who are not eligible for binding interest arbitration pursuant to subdivision 4 of section 209 of the civil service law; to implement an agreement between the state and the employee organization representing certain members of the security services collective negotiating unit; to repeal certain provisions of the civil service law relating thereto; and making an appropriation for the purpose of effectuating certain provisions thereof

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

Section 1. Paragraph f of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph f is added to read as follows:

f. Effective on the dates indicated, salary grades for the positions in the competitive, non-competitive and labor classes of the classified service of the state of New York in the collective negotiating unit designated as security services collective negotiating unit established pursuant to article fourteen of this chapter who are not eligible for binding interest arbitration pursuant to subdivision four of section two hundred nine of this chapter, shall be as follows:

(1) Effective April first, two thousand nine:

NYSCOPBA-SSU SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY
Effective March 26, 2009 (Institutional) and
Effective April 2, 2009 (Administrative)

Hir-	Perf. Advance	Perf. Advance	Perf. Advance	Perf. Advance	Perf. Advance

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

LBD12122-02-2

SG	ing Rate	Step 1	Step 2	Step 3	Step 4	Step 5
1	21,404	22,312	23,220	24,128	25,036	25,944
2	22,193	23,149	24,105	25,061	26,017	26,973
3	23,298	24,295	25,292	26,289	27,286	28,283
4	24,355	25,406	26,457	27,508	28,559	29,610
5	25,520	26,623	27,726	28,829	29,932	31,035
6	26,869	28,032	29,195	30,358	31,521	32,684
7	28,403	29,612	30,821	32,030	33,239	34,448
8	30,017	31,273	32,529	33,785	35,041	36,297
9	31,706	33,017	34,328	35,639	36,950	38,261
10	33,520	34,898	36,276	37,654	39,032	40,410
11	35,515	36,949	38,383	39,817	41,251	42,685
12	37,505	39,002	40,499	41,996	43,493	44,990
13	39,758	41,321	42,884	44,447	46,010	47,573
14	42,057	43,696	45,335	46,974	48,613	50,252
15	44,490	46,195	47,900	49,605	51,310	53,015
16	47,013	48,796	50,579	52,362	54,145	55,928
17	49,669	51,546	53,423	55,300	57,177	59,054
18	52,504	54,475	56,446	58,417	60,388	62,359
19	55,380	57,437	59,494	61,551	63,608	65,665
20	58,234	60,384	62,534	64,684	66,834	68,984
21	61,379	63,620	65,861	68,102	70,343	72,584
22	64,668	67,042	69,416	71,790	74,164	76,538
23	68,178	70,620	73,062	75,504	77,946	80,388
24	71,876	74,411	76,946	79,481	82,016	84,551
25	75,897	78,539	81,181	83,823	86,465	89,107

SG	Job Rate	Perf. Adv.	10 yr. Long Step	15 yr. Long Step	20 yr. Long Step	Long Max. 25 yr. Long Step
1	26,852	908	28,491	29,933	32,537	33,979
2	27,929	956	29,662	31,187	33,863	35,388
3	29,280	997	31,088	32,679	35,410	37,002
4	30,661	1,051	32,690	34,233	37,039	38,582
5	32,138	1,103	34,138	35,895	38,776	40,535
6	33,847	1,163	35,953	37,809	40,771	42,627
7	35,657	1,209	37,847	39,774	42,799	44,726
8	37,553	1,256	39,828	41,832	44,921	46,924
9	39,572	1,311	41,950	44,043	47,215	49,307
10	41,788	1,378	44,279	46,475	49,729	51,923
11	44,119	1,434	46,714	48,998	52,333	54,617
12	46,487	1,497	49,203	51,592	55,017	57,408
13	49,136	1,563	51,964	54,453	57,966	60,456
14	51,891	1,639	54,854	57,463	61,078	63,687
15	54,720	1,705	57,806	60,522	64,233	66,950
16	57,711	1,783	60,937	63,777	67,590	70,429
17	60,931	1,877	64,327	67,313	71,259	74,246
18	64,330	1,971	67,899	71,041	75,120	78,264
19	67,722	2,057	71,448	74,727	78,924	82,204
20	71,134	2,150	75,033	78,462	82,794	86,224
21	74,825	2,241	78,889	82,466	86,919	90,495
22	78,912	2,374	83,210	86,989	91,624	95,404
23	82,830	2,442	87,257	91,154	95,885	99,783

24	87,086	2,535	91,675	95,713	100,571	104,610
25	91,749	2,642	96,534	100,746	105,751	109,962

(2) Effective April first, two thousand ten:

NYSCOPBA-SSU SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY
Effective March 25, 2010 (Institutional) and
Effective April 1, 2010 (Administrative)

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	22,260	23,204	24,148	25,092	26,036	26,980
2	23,081	24,075	25,069	26,063	27,057	28,051
3	24,230	25,267	26,304	27,341	28,378	29,415
4	25,329	26,422	27,515	28,608	29,701	30,794
5	26,541	27,688	28,835	29,982	31,129	32,276
6	27,944	29,154	30,364	31,574	32,784	33,994
7	29,539	30,796	32,053	33,310	34,567	35,824
8	31,218	32,524	33,830	35,136	36,442	37,748
9	32,974	34,338	35,702	37,066	38,430	39,794
10	34,861	36,294	37,727	39,160	40,593	42,026
11	36,936	38,427	39,918	41,409	42,900	44,391
12	39,005	40,562	42,119	43,676	45,233	46,790
13	41,348	42,974	44,600	46,226	47,852	49,478
14	43,739	45,444	47,149	48,854	50,559	52,264
15	46,270	48,043	49,816	51,589	53,362	55,135
16	48,894	50,748	52,602	54,456	56,310	58,164
17	51,656	53,608	55,560	57,512	59,464	61,416
18	54,604	56,654	58,704	60,754	62,804	64,854
19	57,595	59,734	61,873	64,012	66,151	68,290
20	60,563	62,799	65,035	67,271	69,507	71,743
21	63,834	66,165	68,496	70,827	73,158	75,489
22	67,255	69,724	72,193	74,662	77,131	79,600
23	70,905	73,445	75,985	78,525	81,065	83,605
24	74,751	77,387	80,023	82,659	85,295	87,931
25	78,933	81,681	84,429	87,177	89,925	92,673

SG	Job Rate	Perf. Adv.	10 yr. Long Step	15 yr. Long Step	20 yr. Long Step	Long Max. 25 yr. Long Step
1	27,924	944	29,629	31,128	33,836	35,336
2	29,045	994	30,847	32,433	35,216	36,802
3	30,452	1,037	32,332	33,987	36,827	38,483
4	31,887	1,093	33,997	35,602	38,520	40,125
5	33,423	1,147	35,503	37,330	40,327	42,156
6	35,204	1,210	37,394	39,324	42,405	44,335
7	37,081	1,257	39,359	41,363	44,509	46,513
8	39,054	1,306	41,420	43,504	46,717	48,800
9	41,158	1,364	43,631	45,808	49,107	51,282
10	43,459	1,433	46,050	48,333	51,718	53,999

11	45,882	1,491	48,581	50,956	54,425	56,800
12	48,347	1,557	51,172	53,656	57,218	59,705
13	51,104	1,626	54,045	56,634	60,287	62,877
14	53,969	1,705	57,051	59,764	63,523	66,237
15	56,908	1,773	60,117	62,942	66,802	69,627
16	60,018	1,854	63,373	66,327	70,292	73,245
17	63,368	1,952	66,900	70,005	74,109	77,216
18	66,904	2,050	70,616	73,883	78,126	81,395
19	70,429	2,139	74,304	77,714	82,079	85,490
20	73,979	2,236	78,034	81,600	86,105	89,673
21	77,820	2,331	82,047	85,767	90,398	94,117
22	82,069	2,469	86,539	90,469	95,289	99,221
23	86,145	2,540	90,749	94,802	99,722	103,776
24	90,567	2,636	95,340	99,539	104,591	108,792
25	95,421	2,748	100,397	104,778	109,983	114,363

(3) Effective March thirty-first, two thousand eleven:

NYSCOPBA-SSU SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY
Effective March 31, 2011 (Institutional) and
Effective March 31, 2011 (Administrative)

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	24,335	25,279	26,223	27,167	28,111	29,055
2	25,156	26,150	27,144	28,138	29,132	30,126
3	26,305	27,342	28,379	29,416	30,453	31,490
4	27,404	28,497	29,590	30,683	31,776	32,869
5	28,616	29,763	30,910	32,057	33,204	34,351
6	30,019	31,229	32,439	33,649	34,859	36,069
7	31,614	32,871	34,128	35,385	36,642	37,899
8	33,293	34,599	35,905	37,211	38,517	39,823
9	35,049	36,413	37,777	39,141	40,505	41,869
10	36,936	38,369	39,802	41,235	42,668	44,101
11	39,011	40,502	41,993	43,484	44,975	46,466
12	41,080	42,637	44,194	45,751	47,308	48,865
13	43,423	45,049	46,675	48,301	49,927	51,553
14	45,814	47,519	49,224	50,929	52,634	54,339
15	48,345	50,118	51,891	53,664	55,437	57,210
16	50,969	52,823	54,677	56,531	58,385	60,239
17	53,731	55,683	57,635	59,587	61,539	63,491
18	56,679	58,729	60,779	62,829	64,879	66,929
19	59,670	61,809	63,948	66,087	68,226	70,365
20	62,638	64,874	67,110	69,346	71,582	73,818
21	65,909	68,240	70,571	72,902	75,233	77,564
22	69,330	71,799	74,268	76,737	79,206	81,675
23	72,980	75,520	78,060	80,600	83,140	85,680
24	76,826	79,462	82,098	84,734	87,370	90,006
25	81,008	83,756	86,504	89,252	92,000	94,748

Long Max.

SG	Job Rate	Perf. Adv.	10 yr. Long Step	15 yr. Long Step	20 yr. Long Step	25 yr. Long Step
1	29,999	944	31,704	33,203	35,911	37,411
2	31,120	994	32,922	34,508	37,291	38,877
3	32,527	1,037	34,407	36,062	38,902	40,558
4	33,962	1,093	36,072	37,677	40,595	42,200
5	35,498	1,147	37,578	39,405	42,402	44,231
6	37,279	1,210	39,469	41,399	44,480	46,410
7	39,156	1,257	41,434	43,438	46,584	48,588
8	41,129	1,306	43,495	45,579	48,792	50,875
9	43,233	1,364	45,706	47,883	51,182	53,357
10	45,534	1,433	48,125	50,408	53,793	56,074
11	47,957	1,491	50,656	53,031	56,500	58,875
12	50,422	1,557	53,247	55,731	59,293	61,780
13	53,179	1,626	56,120	58,709	62,362	64,952
14	56,044	1,705	59,126	61,839	65,598	68,312
15	58,983	1,773	62,192	65,017	68,877	71,702
16	62,093	1,854	65,448	68,402	72,367	75,320
17	65,443	1,952	68,975	72,080	76,184	79,291
18	68,979	2,050	72,691	75,958	80,201	83,470
19	72,504	2,139	76,379	79,789	84,154	87,565
20	76,054	2,236	80,109	83,675	88,180	91,748
21	79,895	2,331	84,122	87,842	92,473	96,192
22	84,144	2,469	88,614	92,544	97,364	101,296
23	88,220	2,540	92,824	96,877	101,797	105,851
24	92,642	2,636	97,415	101,614	106,666	110,867
25	97,496	2,748	102,472	106,853	112,058	116,438

(4) Effective April first, two thousand fourteen:

NYSCOPBA-SSU SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY
Effective April 3, 2014 (Institutional) and
Effective March 27, 2014 (Administrative)

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	24,822	25,785	26,748	27,711	28,674	29,637
2	25,659	26,673	27,687	28,701	29,715	30,729
3	26,831	27,889	28,947	30,005	31,063	32,121
4	27,952	29,067	30,182	31,297	32,412	33,527
5	29,188	30,358	31,528	32,698	33,868	35,038
6	30,619	31,853	33,087	34,321	35,555	36,789
7	32,246	33,528	34,810	36,092	37,374	38,656
8	33,959	35,291	36,623	37,955	39,287	40,619
9	35,750	37,141	38,532	39,923	41,314	42,705
10	37,675	39,137	40,599	42,061	43,523	44,985
11	39,791	41,312	42,833	44,354	45,875	47,396
12	41,902	43,490	45,078	46,666	48,254	49,842
13	44,291	45,950	47,609	49,268	50,927	52,586
14	46,730	48,469	50,208	51,947	53,686	55,425
15	49,312	51,121	52,930	54,739	56,548	58,357

16	51,988	53,879	55,770	57,661	59,552	61,443
17	54,806	56,797	58,788	60,779	62,770	64,761
18	57,813	59,904	61,995	64,086	66,177	68,268
19	60,863	63,045	65,227	67,409	69,591	71,773
20	63,891	66,172	68,453	70,734	73,015	75,296
21	67,227	69,605	71,983	74,361	76,739	79,117
22	70,717	73,235	75,753	78,271	80,789	83,307
23	74,440	77,031	79,622	82,213	84,804	87,395
24	78,363	81,052	83,741	86,430	89,119	91,808
25	82,628	85,431	88,234	91,037	93,840	96,643

SG	Job Rate	Perf. Adv.	10 yr. Long Step	15 yr. Long Step	20 yr. Long Step	Long Max. 25 yr. Long Step
1	30,600	963	32,339	33,868	36,630	38,160
2	31,743	1,014	33,581	35,199	38,037	39,655
3	33,179	1,058	35,097	36,785	39,682	41,371
4	34,642	1,115	36,794	38,431	41,408	43,045
5	36,208	1,170	38,330	40,193	43,250	45,116
6	38,023	1,234	40,257	42,225	45,368	47,337
7	39,938	1,282	42,262	44,306	47,515	49,559
8	41,951	1,332	44,364	46,490	49,767	51,892
9	44,096	1,391	46,618	48,839	52,204	54,422
10	46,447	1,462	49,090	51,418	54,871	57,198
11	48,917	1,521	51,670	54,092	57,631	60,053
12	51,430	1,588	54,312	56,845	60,478	63,015
13	54,245	1,659	57,245	59,886	63,612	66,253
14	57,164	1,739	60,308	63,075	66,909	69,677
15	60,166	1,809	63,439	66,321	70,258	73,139
16	63,334	1,891	66,756	69,769	73,813	76,826
17	66,752	1,991	70,355	73,522	77,708	80,877
18	70,359	2,091	74,145	77,478	81,805	85,140
19	73,955	2,182	77,908	81,386	85,838	89,317
20	77,577	2,281	81,713	85,350	89,946	93,585
21	81,495	2,378	85,807	89,601	94,325	98,118
22	85,825	2,518	90,384	94,393	99,309	103,320
23	89,986	2,591	94,682	98,816	103,835	107,970
24	94,497	2,689	99,365	103,648	108,801	113,087
25	99,446	2,803	104,522	108,990	114,299	118,767

(5) Effective April first, two thousand fifteen:

NYSCOPBA-SSU SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY
Effective April 2, 2015 (Institutional) and
Effective March 26, 2015 (Administrative)

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	25,318	26,300	27,282	28,264	29,246	30,228
2	26,172	27,206	28,240	29,274	30,308	31,342

3	27,368	28,447	29,526	30,605	31,684	32,763
4	28,511	29,648	30,785	31,922	33,059	34,196
5	29,772	30,965	32,158	33,351	34,544	35,737
6	31,231	32,490	33,749	35,008	36,267	37,526
7	32,891	34,199	35,507	36,815	38,123	39,431
8	34,638	35,997	37,356	38,715	40,074	41,433
9	36,465	37,884	39,303	40,722	42,141	43,560
10	38,429	39,920	41,411	42,902	44,393	45,884
11	40,587	42,138	43,689	45,240	46,791	48,342
12	42,740	44,360	45,980	47,600	49,220	50,840
13	45,177	46,869	48,561	50,253	51,945	53,637
14	47,665	49,439	51,213	52,987	54,761	56,535
15	50,298	52,143	53,988	55,833	57,678	59,523
16	53,028	54,957	56,886	58,815	60,744	62,673
17	55,902	57,933	59,964	61,995	64,026	66,057
18	58,969	61,102	63,235	65,368	67,501	69,634
19	62,080	64,306	66,532	68,758	70,984	73,210
20	65,169	67,496	69,823	72,150	74,477	76,804
21	68,572	70,998	73,424	75,850	78,276	80,702
22	72,131	74,700	77,269	79,838	82,407	84,976
23	75,929	78,572	81,215	83,858	86,501	89,144
24	79,930	82,673	85,416	88,159	90,902	93,645
25	84,281	87,140	89,999	92,858	95,717	98,576

SG	Job Rate	Perf. Adv.	10 yr. Long Step	15 yr. Long Step	20 yr. Long Step	Long Max. 25 yr. Long Step
1	31,210	982	32,984	34,543	37,361	38,921
2	32,376	1,034	34,251	35,901	38,796	40,446
3	33,842	1,079	35,798	37,520	40,475	42,198
4	35,333	1,137	37,528	39,198	42,234	43,904
5	36,930	1,193	39,094	40,995	44,113	46,016
6	38,785	1,259	41,064	43,071	46,277	48,285
7	40,739	1,308	43,109	45,194	48,468	50,552
8	42,792	1,359	45,253	47,422	50,764	52,932
9	44,979	1,419	47,551	49,817	53,249	55,512
10	47,375	1,491	50,071	52,445	55,967	58,341
11	49,893	1,551	52,701	55,172	58,781	61,252
12	52,460	1,620	55,400	57,983	61,689	64,277
13	55,329	1,692	58,389	61,083	64,883	67,577
14	58,309	1,774	61,516	64,338	68,249	71,072
15	61,368	1,845	64,706	67,646	71,662	74,600
16	64,602	1,929	68,092	71,166	75,291	78,364
17	68,088	2,031	71,763	74,993	79,263	82,496
18	71,767	2,133	75,629	79,028	83,442	86,844
19	75,436	2,226	79,468	83,016	87,557	91,105
20	79,131	2,327	83,350	87,059	91,747	95,459
21	83,128	2,426	87,526	91,396	96,215	100,083
22	87,545	2,569	92,195	96,284	101,299	105,390
23	91,787	2,643	96,577	100,794	105,913	110,131
24	96,388	2,743	101,353	105,722	110,978	115,350
25	101,435	2,859	106,613	111,170	116,585	121,142

§ 2. Compensation for certain members of the collective negotiating unit designated as the security services collective negotiating unit pursuant to an agreement between the state of New York and the employee organization representing such individuals.

1. The provisions of this section shall apply to full-time annual salaried officers and employees in the collective negotiating unit designated as security services collective negotiating unit established pursuant to article 14 of the civil service law (hereinafter "security services unit") who are not eligible for binding interest arbitration pursuant to subdivision 4 of section 209 of the civil service law (hereinafter "employees who are ineligible for interest arbitration").

2. Effective April 1, 2009, the basic annual salary of members of the security services unit who are ineligible for interest arbitration and who are in full-time annual salaried employment status on March 31, 2009, shall be increased by three percent.

3. Effective April 1, 2010, the basic annual salary of members of the security services unit who are ineligible for interest arbitration and who are in full-time annual salaried employment status on March 31, 2010, shall be increased by four percent.

4. Effective March 31, 2011, the basic annual salary of all members of the security services unit who are ineligible for interest arbitration and who are in full-time annual salaried employment status on March 30, 2011 shall be increased by two thousand and seventy-five dollars to reflect the items of uniform cleaning and maintenance allowance and security enforcement differential added to base salary.

5. (a) Effective April 1, 2013, a lump sum payment of seven hundred seventy-five dollars shall be made to each member of the security services unit who are ineligible for interest arbitration and in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security services unit who are ineligible for interest arbitration 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary. Notwithstanding the foregoing provisions of this subdivision, officers and employees who would have otherwise been eligible to receive such lump sum payment, but who were not on the payroll on such date, shall be eligible for said payment if they return to full-time employment status during the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, a lump sum payment of two hundred twenty-five dollars shall be made to each member of the security services unit who are ineligible for interest arbitration and in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security services unit who are ineligible for interest arbitration 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary.

6. Effective April 1, 2014, the basic annual salary of members of the security services unit who are ineligible for interest arbitration and who are in full-time annual salaried employment status on March 31, 2014, shall be increased by two percent.

7. Effective April 1, 2015, the basic annual salary of members of the security services unit who are ineligible for interest arbitration and who are in full-time annual salaried employment status on March 31, 2015, shall be increased by two percent.

8. Advancement within a salary grade. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for annual-salaried members of the security services unit who are entitled to such payments and who are ineligible for interest arbitration shall be payable pursuant to the terms of an agreement between the state of New York and an employee organization representing employees subject to the provisions of this section entered into pursuant to article 14 of the civil service law (hereinafter "the agreement").

9. Effective April 1, 2009, pursuant to the terms of the agreement covering members of the security services unit who are ineligible for interest arbitration, for such unit members who are on the institutional or administrative payroll, the ten-year, the fifteen-year, the twenty-year and the twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by paragraph f of subdivision 1 of section 130 of the civil service law as added by section one of this act.

10. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five year longevity step of his or her position on the effective dates of the increases provided in this subdivision, such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five year longevity step, respectively, of such salary grade as contained in the appropriate salary schedule in subparagraphs 1, 2, 3, 4 and 5 of paragraph f of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on the dates provided in subparagraphs 1, 2, 3, 4 and 5, respectively. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, four, five, six, seven, eight and ten of this section.

11. If an unencumbered position is one, which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit members to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the division of the budget may reduce the salary of any such position, which is or becomes vacant.

12. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, who are employees serving on a part-time or seasonal basis, or who are employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivisions four, eight, nine, and ten of this section shall not apply to employees

1 serving on an hourly, per diem, or seasonal basis, except as determined
2 by the director of the budget.
3 13. Notwithstanding any other provision of this section, the
4 provisions of this section shall not apply to officers or employees paid
5 on a fee schedule basis.
6 14. In order to provide for the officers and employees to whom this
7 section applies who are not allocated to salary grades, performance
8 advancements and payments in proportion to those provided to persons to
9 whom this section applies who are allocated to salary grades, the direc-
10 tor of the budget is authorized to add appropriate adjustments to the
11 compensation which such officers and employees are otherwise entitled to
12 receive. The director of the budget shall issue certificates which shall
13 contain schedules of positions and the salaries thereof for which
14 adjustments are made pursuant to the provisions of this subdivision, and
15 a copy of each such certificate shall be filed with the state comp-
16 troller, the department of civil service, the chairman of the senate
17 finance committee and the chairman of the assembly ways and means
18 committee.
19 15. Notwithstanding any of the foregoing provisions of this section,
20 any increase in compensation may be withheld in whole or in part from
21 any such unit members to whom the provisions of this section apply when,
22 in the opinion of the director of the division of the budget and the
23 director of employee relations, such increase is not warranted or is not
24 appropriate for any reason.
25 § 3. Additional compensation for certain members of the security
26 services unit.
27 1. Members of the security services unit who are in full-time annual
28 salaried employment status and who are ineligible for interest arbi-
29 tration.
30 (a) In recognition of the general requirement for full-time employees
31 of the state in the security services unit to assemble for briefing
32 prior to the commencement of duties, where and to the extent an agree-
33 ment so provides, each such employee except such an employee receiving
34 additional compensation pursuant to subdivision 5 of section 134 of the
35 civil service law, shall receive additional compensation in recognition
36 of pre-shift briefing.
37 (b) Each such employee holding such a position in the security
38 services unit shall be compensated for pre-shift briefing in accordance
39 with the terms of the agreement covering certain members of the security
40 services unit. Pursuant to that agreement, each such unit member to whom
41 the provisions of this subdivision apply, shall receive a minimum of
42 four dollars eighty cents for each day while in payroll status when such
43 pre-shift briefing time is not otherwise compensated at a greater amount
44 at the one and one-half times the hourly rate of pay provided for by
45 subdivision 1 of section 134 of the civil service law and the rules and
46 regulations of the director of the budget. Effective March 31, 2011,
47 this amount shall be increased to a minimum of six dollars for each day
48 while in payroll status. No payments authorized pursuant to this subdi-
49 vision and such negotiated agreement shall be made to an employee who is
50 in non-pay status for that day.
51 (c) Any such additional compensation pursuant to this subdivision
52 shall be paid in addition to and shall not be a part of the employee's
53 basic annual salary and shall not be included as compensation for the
54 purposes of computation of overtime pay, provided, however, that such
55 additional compensation shall be included for retirement purposes.
56 Notwithstanding the foregoing provisions of this subdivision or of any

other law, such additional compensation shall be in lieu of the continuation of any other additional compensation for such employees in recognition of pre-shift briefing.

§ 4. Notwithstanding any law, rule or regulation to the contrary, any employees of the state in the security services unit who are ineligible for interest arbitration and who are eligible for additional compensation pursuant to subdivision 5 of section 134 of the civil service law shall be deemed ineligible for such additional compensation to the extent, in the manner and under the circumstances provided for in a negotiated agreement on behalf of such employees.

§ 5. Uniform cleaning and maintenance allowance and purchase or repair of uniform shoes. In recognition of the general requirement for employees of the state in the security services unit to wear a uniform and to the extent that an agreement so provides, each employee who is ineligible for interest arbitration and on the payroll on the first day of November preceding the annual effective date shall receive an increase in allowance for cleaning and maintenance by three percent to the rate of six hundred eighty-one dollars per year effective December 1, 2009. This amount shall increase by four percent to seven hundred eight dollars per year effective December 1, 2010. Such allowance shall be payable by separate check on or about December 1 of each year. Effective March 31, 2011, the allowance for cleaning and maintenance of uniforms for eligible members shall be increased to the rate of one thousand seventy-five dollars, added to the basic annual salary of those employees in payroll status on March 30, 2011, and thereafter eliminated as a separate payment. Such addition to basic annual salary on March 31, 2011 is specified in subdivision 4 of section two of this act.

§ 6. Location compensation for certain state officers and employees in the collective negotiating unit designated as security services.

1. Pursuant to the terms of an agreement covering certain members of the security services unit who are ineligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, all members of the security services unit who are ineligible for interest arbitration, and are full-time annual salaried employees 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 comptroller, is in the city of New York or in the county of Nassau, Suffolk, Westchester or Rockland, shall receive, effective April 1, 2009 an increase in locational compensation in the amount of three percent to one thousand five hundred ninety-one dollars per year, for employees in full-time annual salaried employment status on March 31, 2009. Effective April 1, 2010 this amount shall increase by four percent to one thousand six hundred fifty-five dollars per year, for employees in full-time annual salaried employment status on March 31, 2010. Effective April 1, 2014, this amount shall increase by two percent to one thousand six hundred eighty-eight dollars per year, for employees in full-time annual salaried employment status on March 31, 2014. Effective April 1, 2015, this amount shall increase by two percent to one thousand seven hundred twenty-two dollars per year, for employees in full-time annual salaried employment status on March 31, 2015.

2. Pursuant to the terms of an agreement covering certain members of the security services unit who are ineligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, effective April 1, 2009, all such members of the security services unit who are full-time annual salaried employees 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 comptroller is located in the county of Monroe and who were eligible to receive locational pay on May 23, 1985 shall receive locational pay at the rate of two hundred dollars per year provided they continue to be otherwise eligible.

3. Pursuant to the terms of an agreement covering certain members of the security services unit who are ineligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, all such members of the security services unit who are full-time annual salaried employees 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 comptroller, is in the county of Orange, Putnam or Dutchess shall receive an increase in locational compensation by three percent to the amount of eight hundred forty-nine dollars per year effective April 1, 2009, for employees in full-time annual salaried employment status on March 31, 2009. Effective April 1, 2010 this amount shall increase by four percent to eight hundred eighty-three dollars per year, for employees in full-time annual salaried employment status on March 31, 2010. Effective April 1, 2014, this amount shall increase by two percent to nine hundred one dollars per year, for employees in full-time annual salaried employment status on March 31, 2014. Effective April 1, 2015, this amount shall increase by two percent to nine hundred nineteen dollars per year, for employees in full-time annual salaried employment status on March 31, 2015.

4. The locational compensation as set out in all subdivisions of this section shall be equally divided over the 26 payroll periods in each fiscal year and be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law, provided, however, that locational pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes.

§ 7. Continuation of locational compensation for certain officers and employees of the Hudson Valley developmental disabilities services office.

1. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the security services unit who is ineligible for interest arbitration and who is receiving locational pay pursuant to section 5 of chapter 174 of the laws of 1993 shall continue to receive such locational pay under the conditions and at the rates specified by such section 5 of chapter 174 of the laws of 1993.

2. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the security services unit who is ineligible for interest arbitration and who is receiving locational pay pursuant to subdivision 2 of section 11 of chapter 3 of the laws of 1996 shall continue to receive such locational pay under the conditions and at the rates specified by such subdivision 2 of section 11 of chapter 3 of the laws of 1996.

3. Notwithstanding this section or any other law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the security services unit who is ineligible for interest arbitration and who is receiving

locational pay pursuant to said section seven of this act shall continue to be eligible for such locational pay if such officer's or employee's principal place of employment is changed to a location outside of the county of Rockland as the result of a reduction or redeployment of staff, provided, however, that such officer or employee is reassigned to or otherwise appointed or promoted to a different position at another work location within such Hudson Valley developmental disabilities services office located outside of the county of Rockland. The rate of such continued locational pay shall not exceed the rate such officer or employee is receiving on the date of such reassignment, appointment or promotion.

§ 8. Facility security pay. Pursuant to the terms of an agreement covering certain members of the security services unit who are ineligible for interest arbitration, are full-time annual salaried employees and, notwithstanding any inconsistent provision of law, rule or regulation to the contrary, where and to the extent that an agreement so provides, effective March 31, 2011, such eligible members of the security services unit shall receive an increase of two hundred twenty dollars to seven hundred fifty dollars annually. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

§ 9. Security enforcement differential. Pursuant to the terms of an agreement covering certain members of the security services unit who are ineligible for interest arbitration, are full-time annual salaried employees and, notwithstanding any inconsistent provision of law, rule or regulation to the contrary, where and to the extent that an agreement so provides, such eligible members of the security services unit shall receive a security enforcement differential to be paid in recognition of the enhanced security and law enforcement responsibilities inherent in the positions covered by such bargaining unit. Effective April 1, 2009, such payment shall increase by three percent for eligible unit members to six hundred eighty-two dollars and, effective April 1, 2010, such payment shall increase by four percent to eligible unit members to seven hundred nine dollars. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes. Effective March 31, 2011, the security enforcement differential rate shall be increased to the rate of one thousand dollars, added to the basic annual salary of those employees in payroll status on March 30, 2011, and thereafter eliminated as a separate payment. Such addition to basic annual salary on March 31, 2011 is specified in subdivision 4 of section two of this act.

§ 10. Inconvenience pay program. Pursuant to chapter 333 of the laws of 1969, as amended, and an agreement covering certain members of the security services unit who are ineligible for interest arbitration, are full-time annual salaried employees and, notwithstanding any inconsistent provision of law, rule or regulation to the contrary, where and to the extent that an agreement so provides, effective April 1, 2009, the inconvenience pay provided to eligible employees shall be increased by three percent to six hundred two dollars per year for working four or more hours between the hours of 6:00 p.m. and 6:00 a.m., except on an overtime basis. Effective April 1, 2010, the inconvenience pay provided to eligible employees shall be increased by four percent to six hundred twenty-six dollars per year for working four or more hours between the hours of 6:00 p.m. and 6:00 a.m, except on an overtime basis.

§ 11. Notwithstanding any provision of law, rule or regulation to the contrary, the appropriations contained in this act shall be available to

the state of New York for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the agreement covering employees in the security services unit who are ineligible for interest arbitration.

§ 12. The salary increases and benefit modifications provided for by this act for state employees in the security services unit who are ineligible for interest arbitration shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter indicating that there is in effect with respect to such negotiating unit a collective negotiation agreement which provides for such increases and modifications and which is fully executed in writing with the state pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure of the employee organization certified pursuant to article 14 of the civil service law to represent such collective negotiating unit.

§ 13. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law, rule or regulation to the contrary, the increase in salary or compensation of any members of the security services unit who are ineligible for interest arbitration provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section fourteen of this act.

§ 14. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act, or of any other law, rule or regulation, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2009, until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefore, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received therefor. Such payment shall be made in accordance with the agreement of the parties.

§ 15. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2012 by the foregoing provisions of this act 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 to accomplish the purposes herein set forth, the director of the division 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. The aforementioned appropriations shall be available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2012.

§ 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $25,085,000 from the general fund to the mental hygiene account (10) in the miscellaneous state special revenue fund (339) to carry out the provisions of section eighteen of this act.

§ 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $9,346,000 from the general fund to the mental hygiene patient income account (13) in the miscellaneous state special revenue fund (339) to carry out the provisions of section eighteen of this act.

§ 18. The several amounts as hereinafter set forth, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning April 1, 2012 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2012. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the division of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account - 003

Personal Service

Personal service 2,419,000

Nonpersonal Service

Fringe benefits 2,133,000

Special Revenue Funds - State
Environmental Conservation Special Revenue Fund - 301

Personal Service

Personal Service 92,000

1 Nonpersonal Service

2 Fringe Benefits 48,000

3 Miscellaneous State Special Revenue - 339

4 Personal Service

5 Personal Service 24,119,000

6 Nonpersonal Service

7 Fringe Benefits 12,465,000

8 State University Income Fund - 345

9 Personal Service

10 Personal Service 960,000

11 Nonpersonal Service

12 Fringe Benefits 496,000

13 Special Revenue Funds - Federal
14 Federal USDA / Food and Nutrition Services Fund - 261

15 Personal Service

16 Personal Service 9,000

17 Nonpersonal Service

18 Fringe Benefits 5,000

19 Federal Education Fund - 267

20 Personal Service

21 Personal Service 31,000

22 Nonpersonal Service

23 Fringe Benefits 16,000

24 Unemployment Insurance Administration Fund - 480

25 Personal Service

26 Personal Service 257,000

27 Nonpersonal Service

28 Fringe Benefits 129,000

1 § 19. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2009.

REPEAL NOTE.--Paragraph f of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for state employees in the particular titles in the security services unit employees who are ineligible for interest arbitration and is replaced and revised by salary schedules in a new paragraph f of subdivision 1 of section 130 of the civil service law, as added by section one of this act implementing an agreement between the state and the employee organization representing such unit for employees in the security services unit who are ineligible for interest arbitration. The salary schedules for the remaining employees in the security services unit are contained in paragraph g of subdivision 1 of section 130 of the civil service law.

STATE OF NEW YORK

S. 6058--B A. 8843--B

SENATE - ASSEMBLY

(Prefiled)

January 4, 2012

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reference changed to the Committee on Governmental Employees -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the local finance law, in relation to providing for a period of probable usefulness to the payment for a separation incentive program by the town of Southampton

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is
2 amended by adding a new subdivision 106 to read as follows:
3 **106. Payments by the town of Southampton to or for the benefit of**
4 **employees upon separation from employment, as may be approved by the**
5 **town and including, but not limited to, cash payment for separation**
6 **incentives and/or payment of the monetary value of accrued and accumu-**
7 **lated but unused and unpaid sick leave, personal leave, holiday leave,**
8 **vacation time, time allowances granted in lieu of overtime compensation,**
9 **premiums or contributions with respect to health, dental and vision care**
10 **insurance plans for the fiscal year in which such separation occurs, and**
11 **any other forms of payment required to be paid to or for the benefit of**
12 **such employees in connection with the separation from employment, ten**
13 **years.**
14 § 2. The town of Southampton may use the proceeds of obligations
15 issued for the purposes described in subdivision 106 of paragraph a of

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

LBD13561-03-2

1 section 11.00 of the local finance law to reimburse expenditures made
2 for said purposes after the adoption of a resolution by the favorable
3 vote of at least four town board members declaring the intent to finance
4 said expenditures.
5 § 3. This act shall take effect immediately.

STATE OF NEW YORK

S. 6382 A. 9182

SENATE - ASSEMBLY

February 2, 2012

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend chapter 365 of the laws of 2011, relating to authorizing the village of Southampton, in the county of Suffolk, to offer certain retirement options to police officer Theodore Raffel, Jr., in relation to specifying the time frame under which the village of Southampton shall pay the costs for implementing such retirement options

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

1 Section 1. Sections 1 and 2 of chapter 365 of the laws of 2011,
2 relating to authorizing the village of Southampton, in the county of
3 Suffolk, to offer certain retirement options to police officer Theodore
4 Raffel, Jr., are amended to read as follows:
5 Section 1. Notwithstanding any other provision of law to the contrary,
6 the village of Southampton, in the county of Suffolk, a participating
7 employer in the New York state and local police and fire retirement
8 system, which previously elected to offer the optional retirement plan
9 established pursuant to section 384-d of the retirement and social secu-
10 rity law to police officers employed by such village, is hereby author-
11 ized to make participation in such plan available to Theodore Raffel,
12 Jr., registration number 0A779322, a police officer employed by the
13 village of Southampton, who, on the effective date of this act is
14 covered under the provisions of section 375-i of the retirement and
15 social security law, and who, for reasons not ascribable to his own
16 negligence failed to make a timely application to participate in such
17 optional retirement plan. The village of Southampton may so elect by
18 filing with the state comptroller, on or before December 31, [~~2011~~]
19 ***2012***, a resolution of its legislative body together with certification
20 that such police officer did not bar himself from participation in such
21 retirement plan as a result of his own negligence. Thereafter, such

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

LBD13579-03-2

police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, [~~2012~~] **2013**.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the village of Southampton **and shall be payable over a period of five years**.

§ 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill amends chapter 365 of the laws of 2011 which allows the Village of Southampton to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Theodore Raffel if he files an election by December 31, 2011. This amendment will grant officer Raffel and the Village of Southampton an additional year to elect Section 384-d and permit the Village of Southampton to amortize the past service cost over a five year period.

If this bill is enacted, and officer Theodore Raffel becomes covered under Section 384-d, we anticipate that there will be an increase of approximately $11,100 in the annual contributions of the Village of Southampton for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $185,000 which would be borne by the Village of Southampton as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2013. If this cost is amortized over a five year period, the cost for the first year, including interest would be approximately $42,400.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated December 16, 2011 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-36, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

9222

IN ASSEMBLY

February 7, 2012

Introduced by M. of A. SAYWARD -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the town of Inlet, in the county of Hamilton to offer an optional twenty year retirement plan to police officer John Harrington

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

Section 1. Notwithstanding any other provision of law to the contrary, the town of Inlet, in the county of Hamilton, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such town, is hereby authorized to make participation in such plan available to sergeant John Harrington, a police officer employed by the town of Inlet, who, for reasons not ascribable to his own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The town of Inlet may so elect by filing with the state comptroller, on or before December 31, 2013, a resolution of its town board together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2014.

§ 2. All past costs associated with implementing the provisions of this act shall be borne by the town of Inlet.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--If this legislation is enacted during the 2012 legislative session, we anticipate that there will be an increase of approximately $3,600 in the annual contributions of the Town of Inlet for the fiscal year ending March 31, 2013.

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

LBD14345-02-2

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $40,400, which would be borne by the Town of Inlet as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2013. If the legislation so specifies and the past service cost were amortized over a period of five (5) or ten (10) years, the past service costs for the first year including interest, would be approximately $9,300 or $5,480 respectively.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller and Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Markets Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets; summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

STATE OF NEW YORK

9432

IN ASSEMBLY

March 1, 2012

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize Paul Liberatore to apply for retroactive membership in the New York state and local police and fire retirement system

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

Section 1. Notwithstanding any inconsistent provision of law, the fire district of Hartsdale in the town of Greenburgh, county of Westchester, a participating employer in the New York state and local police and fire retirement system, which has elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, and the additional pension benefits to members of such plan, established pursuant to section 384-e of the retirement and social security law, to firefighters employed by such town, is hereby authorized to make retroactive membership in such plan available to Paul Liberatore, a firefighter with the Hartsdale fire district, employed by the Hartsdale fire district, who, for reasons not ascribable to his own negligence failed to make a timely application to participate in such optional twenty year retirement plan and the additional pension benefits therefor. The Hartsdale fire district may so elect by filing with the state comptroller, on or before December 31, 2012, a resolution of its governing body together with certification that such firefighter did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such firefighter may elect to be covered by the provisions of sections 384-d and 384-e of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such sections, by filing a request to that effect with the state comptroller on or before June 30, 2013.

§ 2. Any past service costs incurred by operation of the provision of this act shall be borne by the Hartsdale fire district.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

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

LBD14267-02-2

This bill will allow the Hartsdale Fire District to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for firefighter Paul Liberatore.

If this bill is enacted, and firefighter Paul Liberatore becomes covered under Section 384-d together with Section 384-e, we anticipate that there will be an increase of approximately $12,300 in the annual contributions of the Hartsdale Fire District for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $51,700 which would be borne by the Hartsdale Fire District. This estimate is based on the assumption that payment will be made on February 1, 2013.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated February 17, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-86, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

9566

IN ASSEMBLY

March 16, 2012

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Governmental Employees

AN ACT relating to authorizing the reopening of the twenty-five year retirement benefit plan to certain deputy sheriffs of Sullivan county who failed to make a timely election thereof

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 deputy sheriffs of Sullivan county, Scott Galligan, Sean Grady and Rose
3 Ionta-Tocco, who were eligible to elect to participate in the twenty-
4 five year retirement benefit plan established pursuant to article 14-B
5 of the retirement and social security law, and who failed to elect to
6 participate in such retirement benefit plan in a timely manner for
7 reasons not ascribable to their own negligence, shall be deemed to have
8 timely made such election if each such deputy sheriff, respectively,
9 shall file an election to participate in the twenty-five year retirement
10 benefit plan with the state comptroller on or before December 31, 2012.
11 § 2. The past service costs of implementing the provisions of this act
12 shall be borne by the county of Sullivan.
13 § 3. This act shall take effect immediately.

Fiscal Note.--Pursuant to Legislative Law, Section 50:

This bill would allow Sullivan County to reopen the provisions of the twenty-five year retirement plan established pursuant to article 14-B of the Retirement and Social Security Law for Scott Galligan, Sean Grady and Rose Ionta-Tocco.

If this legislation is enacted during the 2012 legislative session, we anticipate that there would be an increase of approximately $4,500 in the annual contributions of Sullivan County for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there would be an immediate past service cost of approximately $7,650, which would be borne by Sullivan County as a one-time payment. This estimate is based on the assumption that payment would be made on February 1, 2013.

Summary of relevant resources:

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

LBD14819-02-2

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 8, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-108, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

9588

IN ASSEMBLY

March 20, 2012

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Ellenville to offer an optional twenty year retirement plan to certain police officers

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

1 Section 1. Notwithstanding any other provision of law to the contra-
2 ry, the village of Ellenville, a participating employer in the New York
3 state and local police and fire retirement system, which previously
4 elected to offer the optional twenty year retirement plan, established
5 pursuant to section 384-d of the retirement and social security law, to
6 police officers employed by such town, is hereby authorized to make
7 participation in such plan available to Michael Jeter, LaMark Logan,
8 Daniel Persell, Christopher Rosa, Robert Ross, and Vanessa Nixon-Tomlin,
9 police officers employed by the Village of Ellenville, who, for reasons
10 not ascribable to their own negligence, failed to make a timely applica-
11 tion to participate in such optional twenty year retirement plan. The
12 village of Ellenville may so elect by filing with the state comptroller,
13 on or before December 31, 2012, a resolution of its local legislative
14 body together with certification that such police officers did not bar
15 themselves from participation in such retirement plan as a result of
16 their own negligence. Thereafter, such police officers may elect to be
17 covered by the provisions of section 384-d of the retirement and social
18 security law, and shall be entitled to the full rights and benefits
19 associated with coverage under such section, by filing a request to that
20 effect with the state comptroller on or before June 30, 2013.
21 § 2. All past service costs associated with implementing the
22 provisions of this act shall be borne by the village of Ellenville and
23 may be amortized over a ten year period.
24 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow the Village of Ellenville to reopen the provisions of Section 384-d of the Retirement and Social Security Law

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

LBD14921-03-2

for police officers Michael Jeter, LaMark Logan, Daniel Persell, Christopher Rosa, Robert Ross and Vanessa Nixon-Tomlin.

If this legislation is enacted during the 2012 legislative session, we anticipate that there will be an increase of approximately $6,800 in the annual contributions of the Village of Ellenville for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $100,000, which would be borne by the Village of Ellenville as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2013. The Village of Ellenville may amortize this cost over a period of ten (10) years. The first year cost, including interest, will be approximately $13,500.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 16, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-114, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

S. 7146 A. 9998

SENATE - ASSEMBLY

May 1, 2012

IN SENATE -- Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. SCHIMEL -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to authorizing Casey Wall to participate in the optional 20 year retirement plan for police officers

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

Section 1. Notwithstanding any other provision of law to the contrary, the village of Sands Point, county of Nassau, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, and the additional benefits established pursuant to section 384-e of such law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Casey Wall, a police officer employed by the village of Sands Point, who joined the retirement system pursuant to article 14 of the retirement and social security law and, for reasons not ascribable to his own negligence, failed to make a timely election to have his retirement benefits calculated pursuant to article 22 of such law. The village of Sands Point may so elect by filing with the state comptroller, on or before December 31, 2012, a resolution of its village board together with certification that such police officer did not bar himself from making a timely election of article 22 as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of article 22 of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such article, by filing a request to that effect with the state comptroller on or before June 30, 2013.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the village of Sands Point.

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

LBD15529-01-2

1 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow Casey Wall, a current member of the New York State and Local Police and Fire Retirement System covered under the provisions of Article 14 of the Retirement and Social Security Law, to elect to be covered under the provisions of Article 22 of such law.

If this legislation is enacted during the 2012 legislative session, we anticipate that there will be an increase of approximately $160 in the annual contributions of the Village of Sands Point for the fiscal year ending March 31, 2013.

There will be a refund of member contributions, however there will be no past service cost.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated April 25, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-126, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

S. 7416 A. 10164

SENATE - ASSEMBLY

May 10, 2012

IN SENATE -- Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. BUTLER -- read once and referred to the Committee on Governmental Employees

AN ACT to allow Thomas Mellis and Josh Frye to join the optional twenty year retirement plan, city of Gloversville, county of Fulton

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

Section 1. Notwithstanding any other provision of law to the contrary, the city of Gloversville, in the county of Fulton, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to firefighters employed by such city, is hereby authorized to make participation in such plan available to Thomas Mellis and Josh Frye, firefighters employed by the city of Gloversville, who, for reasons not ascribable to their own negligence failed to make a timely application to participate in such optional twenty year retirement plan. Thereafter, Thomas Mellis and Josh Frye, may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before December 31, 2012.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the city of Gloversville and may be amortized over a period of five years.

§ 3. This act shall take effect immediately.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

This bill will allow the City of Gloversville to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for firefighters Thomas J. Mellis and Joshua T. Frye.

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

LBD15767-02-2

If this bill is enacted, and both Mr. Mellis and Mr. Frye become covered under Section 384-d, we anticipate that there will be an increase of approximately $8,000 in the annual contributions of the City of Gloversville for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $26,800 which would be borne by the City of Gloversville as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2013. If the City elects to amortize this cost over a period of five (5) years, the cost for the first year would be approximately $6,160.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated April 16, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-130, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

10227--A

IN ASSEMBLY

May 15, 2012

Introduced by M. of A. CERETTO -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Niagara Falls, in the county of Niagara, to offer an optional twenty year retirement plan to firefighter Richard E. Mylchreest, Jr.

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the city of Niagara Falls, in the county of Niagara, a participating
3 employer in the New York state and local police and fire retirement
4 system, which previously elected to offer the optional twenty year
5 retirement plan, established pursuant to section 384-d of the retirement
6 and social security law, to firefighters employed by such city, is here-
7 by authorized to make participation in such plan available to Richard E.
8 Mylchreest, Jr., a firefighter employed by the city of Niagara Falls,
9 who, for reasons not ascribable to his own negligence, enrolled in the
10 retirement plan established pursuant to section 375-i of the retirement
11 and social security law. The city of Niagara Falls may so elect by
12 filing with the state comptroller, on or before December 31, 2012, a
13 resolution of its city council together with certification that such
14 firefighter did not bar himself from participation in such retirement
15 plan as a result of his own negligence. Thereafter, such firefighter may
16 elect to be covered by the provisions of section 384-d of the retirement
17 and social security law, and shall be entitled to the full rights and
18 benefits associated with coverage under such section, by filing a
19 request to that effect with the state comptroller on or before February
20 28, 2013.
21 § 2. All past service costs associated with implementing the
22 provisions of this act shall be borne by the city of Niagara Falls.
23 § 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow the City of Niagara Falls to reopen the provisions of Section 384-d, therefore granting coverage under

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

LBD15547-03-2

Section 384-e of the Retirement and Social Security Law for firefighter Richard E. Mylchreest, Jr.

If this legislation is enacted during the 2012 legislative session, we anticipate that there will be an increase of approximately $5,800 in the annual contributions of the City of Niagara Falls for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $102,000, which would be borne by the City of Niagara Falls as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2013.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 14, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-145, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

10261

IN ASSEMBLY

May 16, 2012

Introduced by M. of A. CURRAN -- read once and referred to the Committee on Local Governments

AN ACT to amend the local finance law, in relation to authorizing the village of Lynbrook, in the county of Nassau, to amortize the cost of payments to certain employees upon separation of service from such village

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is
2 amended by adding a new subdivision 106 to read as follows:
3 **106. Payments by the village of Lynbrook, in the county of Nassau,**
4 **made on or after April first, two thousand eleven, to employees upon**
5 **separation from employment, as may be approved by such village and**
6 **including, but not limited to, cash payment for separation incentives**
7 **and/or payment of the monetary value of accrued and accumulated but**
8 **unused and unpaid sick leave, personal leave, holiday leave, vacation**
9 **time, time allowances granted in lieu of overtime compensation and any**
10 **other forms of payment required to be paid to such employees upon sepa-**
11 **ration from employment, ten years.**
12 § 2. This act shall take effect immediately.

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

LBD15870-01-2

STATE OF NEW YORK

10552

IN ASSEMBLY

June 5, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lavine) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the local finance law, in relation to authorizing the town of Oyster Bay, county of Nassau to amortize the cost of payments to employees upon separation of service from the town

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

Section 1. Paragraph a of section 11.00 of the local finance law is amended by adding a new subdivision 106 to read as follows:

106. Payments by the town of Oyster Bay to employees upon separation from employment, as may be approved by the town and including, but not limited to, such payments, cash payment for separation incentives and/or payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, vacation time, and any other forms of payment required to be paid to such employees upon separation from employment, ten years.

§ 2. This act shall take effect immediately.

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

LBD16116-01-2

STATE OF NEW YORK

8672--A

2011-2012 Regular Sessions

IN ASSEMBLY

October 27, 2011

Introduced by M. of A. KOLB -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Tamara Hemminger

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

1 Section 1. Notwithstanding any other provision of law, Tamara Hemming-
2 er, a member of the New York state and local employees' retirement
3 system, who was employed on December 7, 2009, by the department of labor
4 as a labor services representative, who filed a membership application
5 in such system on December 17, 2009, which should have given her Tier IV
6 status but for reasons not ascribable to her own negligence and due to
7 an administrative error, the application was not processed in the usual
8 manner and therefore not processed, may be deemed to have become a
9 member of the New York state and local employees' retirement system on
10 December 17, 2009.
11 § 2. Any past service costs incurred in implementing the provisions of
12 this act shall be borne by the state.
13 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: This bill will deem Tamara Hemminger, currently an employee of the Canandaigua City School District and formerly an employee of the New York State Department of Labor, to have become a member of the New York State and Local Employees' Retirement System on December 17, 2009, thereby granting her Tier 4 status.

If this legislation is enacted during the 2012 legislative session, we anticipate that there will be an increase of approximately $1,500 in the

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

LBD13401-03-2

annual contributions of the Canandaigua City School District for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $2,280, which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment would be made on March 1, 2013.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated February 8, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-84, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

S. 7454 A. 10299

SENATE - ASSEMBLY

May 21, 2012

IN SENATE -- Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. LAVINE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the local finance law, in relation to authorizing the city of Glen Cove, county of Nassau to amortize the cost of payments to employees upon separation of service from the city

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is
2 amended by adding a new subdivision 106 to read as follows:
3 **106. Any payments by the city of Glen Cove made after January first,**
4 **two thousand twelve to employees upon separation from employment, as may**
5 **be approved by the city and including, but not limited to, cash payment**
6 **for separation incentives and/or payment of the monetary value of**
7 **accrued and accumulated but unused and unpaid sick leave, personal**
8 **leave, holiday leave, vacation time, time allowances granted in lieu of**
9 **overtime compensation and any other forms of payment required to be paid**
10 **to such employees upon separation from employment, ten years.**
11 § 2. This act shall take effect immediately.

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

LBD15880-01-2

STATE OF NEW YORK

7614

IN SENATE

June 7, 2012

Introduced by Sen. ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 amend chapter 15 of the laws of 2012 amending the civil service law and other laws relating to compensation and benefits of certain state officers and employees, in relation to increases in salary payable to officers and employees; 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

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

Section 1. Paragraph i of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph i is added to read as follows:

i. Pursuant to the terms of an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter covering members of the collective negotiating unit designated as security supervisors who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law, effective on the dates indicated, salary grades for positions in the competitive, non-competitive and labor classes shall be as follows:

(1) Effective April second, two thousand nine for officers and employees on the administrative payroll and effective March twenty-sixth, two thousand nine for officers and employees on the institutional payroll:

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

LBD12143-02-2

SECURITY SUPERVISORS SALARY SCHEDULE - ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	24429	25361	26293	27225	28157	29089
2	25239	26221	27203	28185	29167	30149
3	26371	27395	28419	29443	30467	31491
4	27459	28538	29617	30696	31775	32854
5	28655	29790	30925	32060	33195	34330
6	30042	31236	32430	33624	34818	36012
7	31618	32862	34106	35350	36594	37838
8	33277	34568	35859	37150	38441	39732
9	35013	36359	37705	39051	40397	41743
10	36876	38292	39708	41124	42540	43956
11	38928	40401	41874	43347	44820	46293
12	40971	42508	44045	45582	47119	48656
13	43286	44893	46500	48107	49714	51321
14	45647	47331	49015	50699	52383	54067
15	48148	49900	51652	53404	55156	56908
16	50741	52571	54401	56231	58061	59891
17	53468	55396	57324	59252	61180	63108
18	56382	58406	60430	62454	64478	66502
19	59337	61451	63565	65679	67793	69907
20	62270	64479	66688	68897	71106	73315
21	65499	67802	70105	72408	74711	77014
22	68881	71321	73761	76201	78641	81081
23	72486	74996	77506	80016	82526	85036
24	76287	78891	81495	84099	86703	89307
25	80418	83133	85848	88563	91278	93993

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	30021	932	31413	32806	35505	36897
2	31131	982	32604	34077	36856	38331
3	32515	1024	34052	35589	38430	39969
4	33933	1079	35550	37165	40087	41702
5	35465	1135	37166	38865	41872	43572
6	37206	1194	38997	40787	43886	45678
7	39082	1244	40944	42805	45974	47836
8	41023	1291	42958	44894	48132	50069
9	43089	1346	45113	47134	50464	52486
10	45372	1416	47492	49610	53034	55155
11	47766	1473	49972	52179	55692	57899
12	50193	1537	52502	54814	58426	60734
13	52928	1607	55333	57738	61449	63854
14	55751	1684	58270	60791	64615	67136
15	58660	1752	61284	63912	67839	70463
16	61721	1830	64465	67209	71256	73998
17	65036	1928	67923	70807	75000	77886
18	68526	2024	71560	74598	78936	81972

19	72021	2114	75189	78356	82830	85997
20	75524	2209	78840	82155	86774	90090
21	79317	2303	82774	86227	90987	94442
22	83521	2440	87175	90830	95787	99442
23	87546	2510	91311	95077	100145	103910
24	91911	2604	95813	99715	104924	108826
25	96708	2715	100778	104844	110221	114290

(2) Effective April first, two thousand ten for officers and employers on the administrative payroll and effective March twenty-fifth, two thousand ten for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE - ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	25406	26375	27344	28313	29282	30251
2	26249	27270	28291	29312	30333	31354
3	27426	28491	29556	30621	31686	32751
4	28557	29679	30801	31923	33045	34167
5	29801	30982	32163	33344	34525	35706
6	31244	32486	33728	34970	36212	37454
7	32883	34177	35471	36765	38059	39353
8	34608	35951	37294	38637	39980	41323
9	36414	37814	39214	40614	42014	43414
10	38351	39824	41297	42770	44243	45716
11	40485	42017	43549	45081	46613	48145
12	42610	44209	45808	47407	49006	50605
13	45017	46688	48359	50030	51701	53372
14	47473	49224	50975	52726	54477	56228
15	50074	51896	53718	55540	57362	59184
16	52771	54674	56577	58480	60383	62286
17	55607	57612	59617	61622	63627	65632
18	58637	60742	62847	64952	67057	69162
19	61710	63909	66108	68307	70506	72705
20	64761	67058	69355	71652	73949	76246
21	68119	70514	72909	75304	77699	80094
22	71636	74174	76712	79250	81788	84326
23	75385	77996	80607	83218	85829	88440
24	79338	82046	84754	87462	90170	92878
25	83635	86459	89283	92107	94931	97755

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	31220	969	32668	34116	36923	38371
2	32375	1021	33907	35439	38329	39863
3	33816	1065	35414	37013	39968	41568
4	35289	1122	36971	38650	41689	43369
5	36887	1181	38656	40423	43550	45318
6	38696	1242	40559	42420	45643	47507

7	40647	1294	42583	44519	47815	49751
8	42666	1343	44678	46692	50059	52074
9	44814	1400	46919	49021	52484	54587
10	47189	1473	49394	51597	55157	57363
11	49677	1532	51971	54267	57920	60215
12	52204	1599	54605	57010	60766	63167
13	55043	1671	57544	60045	63905	66406
14	57979	1751	60599	63221	67198	69819
15	61006	1822	63735	66468	70552	73281
16	64189	1903	67043	69897	74105	76957
17	67637	2005	70639	73639	78000	81001
18	71267	2105	74422	77582	82093	85251
19	74904	2199	78199	81492	86145	89439
20	78543	2297	81992	85439	90243	93692
21	82489	2395	86084	89675	94626	98219
22	86864	2538	90664	94465	99621	103422
23	91051	2611	94967	98883	104154	108070
24	95586	2708	99644	103702	109120	113178
25	100579	2824	104812	109040	114633	118864

(3) Effective March twenty-seventh, two thousand fourteen for officers and employees on the administrative payroll and effective April third, two thousand fourteen for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE - ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	25914	26902	27890	28878	29866	30854
2	26774	27816	28858	29900	30942	31984
3	27975	29061	30147	31233	32319	33405
4	29128	30273	31418	32563	33708	34853
5	30397	31602	32807	34012	35217	36422
6	31869	33136	34403	35670	36937	38204
7	33541	34861	36181	37501	38821	40141
8	35300	36670	38040	39410	40780	42150
9	37142	38570	39998	41426	42854	44282
10	39118	40621	42124	43627	45130	46633
11	41295	42858	44421	45984	47547	49110
12	43462	45093	46724	48355	49986	51617
13	45917	47622	49327	51032	52737	54442
14	48422	50208	51994	53780	55566	57352
15	51075	52934	54793	56652	58511	60370
16	53826	55767	57708	59649	61590	63531
17	56719	58764	60809	62854	64899	66944
18	59810	61957	64104	66251	68398	70545
19	62944	65187	67430	69673	71916	74159
20	66056	68399	70742	73085	75428	77771
21	69481	71924	74367	76810	79253	81696
22	73069	75658	78247	80836	83425	86014
23	76893	79556	82219	84882	87545	90208

24	80925	83687	86449	89211	91973	94735
25	85308	88189	91070	93951	96832	99713

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	31842	988	33319	34796	37659	39136
2	33026	1042	34589	36151	39099	40664
3	34491	1086	36121	37752	40766	42398
4	35998	1145	37714	39426	42526	44240
5	37627	1205	39431	41234	44423	46227
6	39471	1267	41371	43269	46557	48458
7	41461	1320	43436	45410	48772	50747
8	43520	1370	45572	47627	51061	53116
9	45710	1428	47857	50001	53533	55678
10	48136	1503	50385	52632	56263	58513
11	50673	1563	53013	55355	59081	61422
12	53248	1631	55697	58150	61981	64430
13	56147	1705	58698	61249	65186	67737
14	59138	1786	61810	64485	68541	71215
15	62229	1859	65013	67800	71966	74750
16	65472	1941	68383	71294	75586	78495
17	68989	2045	72051	75111	79559	82620
18	72692	2147	75910	79133	83735	86956
19	76402	2243	79763	83122	87868	91228
20	80114	2343	83632	87148	92048	95566
21	84139	2443	87806	91469	96519	100184
22	88603	2589	92479	96356	101615	105492
23	92871	2663	96865	100860	106236	110230
24	97497	2762	101636	105775	111302	115441
25	102594	2881	106912	111224	116929	121245

(4) Effective March twenty-sixth, two thousand fifteen for officers and employees on the administrative payroll and effective April second, two thousand fifteen for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE - ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	26432	27440	28448	29456	30464	31472
2	27309	28372	29435	30498	31561	32624
3	28535	29643	30751	31859	32967	34075
4	29711	30879	32047	33215	34383	35551
5	31005	32234	33463	34692	35921	37150
6	32506	33798	35090	36382	37674	38966
7	34212	35558	36904	38250	39596	40942
8	36006	37403	38800	40197	41594	42991
9	37885	39342	40799	42256	43713	45170
10	39900	41433	42966	44499	46032	47565

11	42121	43715	45309	46903	48497	50091
12	44331	45995	47659	49323	50987	52651
13	46835	48574	50313	52052	53791	55530
14	49390	51212	53034	54856	56678	58500
15	52097	53993	55889	57785	59681	61577
16	54903	56883	58863	60843	62823	64803
17	57853	59939	62025	64111	66197	68283
18	61006	63196	65386	67576	69766	71956
19	64203	66491	68779	71067	73355	75643
20	67377	69767	72157	74547	76937	79327
21	70871	73363	75855	78347	80839	83331
22	74530	77171	79812	82453	85094	87735
23	78431	81147	83863	86579	89295	92011
24	82544	85361	88178	90995	93812	96629
25	87014	89953	92892	95831	98770	101709

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	32480	1008	33987	35493	38413	39920
2	33687	1063	35281	36875	39881	41478
3	35183	1108	36846	38509	41584	43248
4	36719	1168	38469	40216	43378	45126
5	38379	1229	40219	42058	45311	47151
6	40258	1292	42196	44132	47486	49425
7	42288	1346	44303	46316	49745	51760
8	44388	1397	46481	48577	52080	54176
9	46627	1457	48817	51004	54606	56794
10	49098	1533	51392	53684	57388	59683
11	51685	1594	54072	56461	60261	62649
12	54315	1664	56813	59315	63223	65721
13	57269	1739	59871	62473	66489	69091
14	60322	1822	63047	65776	69913	72641
15	63473	1896	66313	69155	73405	76244
16	66783	1980	69752	72721	77099	80066
17	70369	2086	73492	76613	81150	84273
18	74146	2190	77428	80716	85410	88695
19	77931	2288	81359	84785	89626	93054
20	81717	2390	85305	88892	93890	97478
21	85823	2492	89563	93300	98451	102189
22	90376	2641	94330	98284	103648	107603
23	94727	2716	98801	102876	108359	112433
24	99446	2817	103668	107890	113527	117749
25	104648	2939	109052	113451	119270	123672

§ 2. Paragraph b of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph b is added to read as follows:

b. Pursuant to the terms of an agreement between the state and an employee organization entered into pursuant to article fourteen of this chapter covering members of the collecting negotiating unit designated as security supervisors who are not eligible for binding interest arbitration pursuant to subdivision four of section two hundred nine of this chapter, salary grades for positions in the competitive, non-competitive and labor classes shall be as follows:

(1) Effective April second, two thousand nine for officers and employees on the administrative payroll and effective March twenty-sixth, two thousand nine for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	21404	22312	23220	24128	25036	25944
2	22193	23149	24105	25061	26017	26973
3	23298	24295	25292	26289	27286	28283
4	24355	25406	26457	27508	28559	29610
5	25520	26623	27726	28829	29932	31035
6	26869	28032	29195	30358	31521	32684
7	28403	29612	30821	32030	33239	34448
8	30017	31273	32529	33785	35041	36297
9	31706	33017	34328	35639	36950	38261
10	33520	34898	36276	37654	39032	40410
11	35515	36949	38383	39817	41251	42685
12	37505	39002	40499	41996	43493	44990
13	39758	41321	42884	44447	46010	47573
14	42057	43696	45335	46974	48613	50252
15	44490	46195	47900	49605	51310	53015
16	47013	48796	50579	52362	54145	55928
17	49669	51546	53423	55300	57177	59054
18	52504	54475	56446	58417	60388	62359
19	55380	57437	59494	61551	63608	65665
20	58234	60384	62534	64684	66834	68984
21	61379	63620	65861	68102	70343	72584
22	64668	67042	69416	71790	74164	76538
23	68178	70620	73062	75504	77946	80388
24	71876	74411	76946	79481	82016	84551
25	75897	78539	81181	83823	86465	89107

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	26852	908	28491	29933	32537	33979
2	27929	956	29662	31187	33863	35388
3	29280	997	31088	32679	35410	37002
4	30661	1051	32690	34233	37039	38582
5	32138	1103	34138	35895	38776	40535
6	33847	1163	35953	37809	40771	42627
7	35657	1209	37847	39774	42799	44726
8	37553	1256	39828	41832	44921	46924
9	39572	1311	41950	44043	47215	49307
10	41788	1378	44279	46475	49729	51923
11	44119	1434	46714	48998	52333	54617
12	46487	1497	49203	51592	55017	57408
13	49136	1563	51964	54453	57966	60456

14	51891	1639	54854	57463	61078	63687
15	54720	1705	57806	60522	64233	66950
16	57711	1783	60937	63777	67590	70429
17	60931	1877	64327	67313	71259	74246
18	64330	1971	67899	71041	75120	78264
19	67722	2057	71448	74727	78924	82204
20	71134	2150	75033	78462	82794	86224
21	74825	2241	78889	82466	86919	90495
22	78912	2374	83210	86989	91624	95404
23	82830	2442	87257	91154	95885	99783
24	87086	2535	91675	95713	100571	104610
25	91749	2642	96534	100746	105751	109962

(2) Effective April first, two thousand ten for officers and employees on the administrative payroll and effective March twenty-fifth, two thousand ten for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	22260	23204	24148	25092	26036	26980
2	23081	24075	25069	26063	27057	28051
3	24230	25267	26304	27341	28378	29415
4	25329	26422	27515	28608	29701	30794
5	26541	27688	28835	29982	31129	32276
6	27944	29154	30364	31574	32784	33994
7	29539	30796	32053	33310	34567	35824
8	31218	32524	33830	35136	36442	37748
9	32974	34338	35702	37066	38430	39794
10	34861	36294	37727	39160	40593	42026
11	36936	38427	39918	41409	42900	44391
12	39005	40562	42119	43676	45233	46790
13	41348	42974	44600	46226	47852	49478
14	43739	45444	47149	48854	50559	52264
15	46270	48043	49816	51589	53362	55135
16	48894	50748	52602	54456	56310	58164
17	51656	53608	55560	57512	59464	61416
18	54604	56654	58704	60754	62804	64854
19	57595	59734	61873	64012	66151	68290
20	60563	62799	65035	67271	69507	71743
21	63834	66165	68496	70827	73158	75489
22	67255	69724	72193	74662	77131	79600
23	70905	73445	75985	78525	81065	83605
24	74751	77387	80023	82659	85295	87931
25	78933	81681	84429	87177	89925	92673

						Long Max.
			10-yr	15-yr	20-yr	25-yr

SG	Job Rate	Perf. Adv.	Long Step	Long Step	Long Step	Long Step
1	27924	944	29629	31128	33836	35336
2	29045	994	30847	32433	35216	36802
3	30452	1037	32332	33987	36827	38483
4	31887	1093	33997	35602	38520	40125
5	33423	1147	35503	37330	40327	42156
6	35204	1210	37394	39324	42405	44335
7	37081	1257	39359	41363	44509	46513
8	39054	1306	41420	43504	46717	48800
9	41158	1364	43631	45808	49107	51282
10	43459	1433	46050	48333	51718	53999
11	45882	1491	48581	50956	54425	56800
12	48347	1557	51172	53656	57218	59705
13	51104	1626	54045	56634	60287	62877
14	53969	1705	57051	59764	63523	66237
15	56908	1773	60117	62942	66802	69627
16	60018	1854	63373	66327	70292	73245
17	63368	1952	66900	70005	74109	77216
18	66904	2050	70616	73883	78126	81395
19	70429	2139	74304	77714	82079	85490
20	73979	2236	78034	81600	86105	89673
21	77820	2331	82047	85767	90398	94117
22	82069	2469	86539	90469	95289	99221
23	86145	2540	90749	94802	99722	103776
24	90567	2636	95340	99539	104591	108792
25	95421	2748	100397	104778	109983	114363

(3) Effective March thirty-first, two thousand eleven for officers and employees on the administrative payroll and effective March thirty-first, two thousand eleven for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	23335	24279	25223	26167	27111	28055
2	24156	25150	26144	27138	28132	29126
3	25305	26342	27379	28416	29453	30490
4	26404	27497	28590	29683	30776	31869
5	27616	28763	29910	31057	32204	33351
6	29019	30229	31439	32649	33859	35069
7	30614	31871	33128	34385	35642	36899
8	32293	33599	34905	36211	37517	38823
9	34049	35413	36777	38141	39505	40869
10	35936	37369	38802	40235	41668	43101
11	38011	39502	40993	42484	43975	45466
12	40080	41637	43194	44751	46308	47865
13	42423	44049	45675	47301	48927	50553
14	44814	46519	48224	49929	51634	53339
15	47345	49118	50891	52664	54437	56210

16	49969	51823	53677	55531	57385	59239
17	52731	54683	56635	58587	60539	62491
18	55679	57729	59779	61829	63879	65929
19	58670	60809	62948	65087	67226	69365
20	61638	63874	66110	68346	70582	72818
21	64909	67240	69571	71902	74233	76564
22	68330	70799	73268	75737	78206	80675
23	71980	74520	77060	79600	82140	84680
24	75826	78462	81098	83734	86370	89006
25	80008	82756	85504	88252	91000	93748

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	28999	944	30704	32203	34911	36411
2	30120	994	31922	33508	36291	37877
3	31527	1037	33407	35062	37902	39558
4	32962	1093	35072	36677	39595	41200
5	34498	1147	36578	38405	41402	43231
6	36279	1210	38469	40399	43480	45410
7	38156	1257	40434	42438	45584	47588
8	40129	1306	42495	44579	47792	49875
9	42233	1364	44706	46883	50182	52357
10	44534	1433	47125	49408	52793	55074
11	46957	1491	49656	52031	55500	57875
12	49422	1557	52247	54731	58293	60780
13	52179	1626	55120	57709	61362	63952
14	55044	1705	58126	60839	64598	67312
15	57983	1773	61192	64017	67877	70702
16	61093	1854	64448	67402	71367	74320
17	64443	1952	67975	71080	75184	78291
18	67979	2050	71691	74958	79201	82470
19	71504	2139	75379	78789	83154	86565
20	75054	2236	79109	82675	87180	90748
21	78895	2331	83122	86842	91473	95192
22	83144	2469	87614	91544	96364	100296
23	87220	2540	91824	95877	100797	104851
24	91642	2636	96415	100614	105666	109867
25	96496	2748	101472	105853	111058	115438

(4) Effective March twenty-seventh, two thousand fourteen for officers and employees on the administrative payroll and effective April third, two thousand fourteen for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	23802	24765	25728	26691	27654	28617

2	24639	25653	26667	27681	28695	29709
3	25811	26869	27927	28985	30043	31101
4	26932	28047	29162	30277	31392	32507
5	28168	29338	30508	31678	32848	34018
6	29599	30833	32067	33301	34535	35769
7	31226	32508	33790	35072	36354	37636
8	32939	34271	35603	36935	38267	39599
9	34730	36121	37512	38903	40294	41685
10	36655	38117	39579	41041	42503	43965
11	38771	40292	41813	43334	44855	46376
12	40882	42470	44058	45646	47234	48822
13	43271	44930	46589	48248	49907	51566
14	45710	47449	49188	50927	52666	54405
15	48292	50101	51910	53719	55528	57337
16	50968	52859	54750	56641	58532	60423
17	53786	55777	57768	59759	61750	63741
18	56793	58884	60975	63066	65157	67248
19	59843	62025	64207	66389	68571	70753
20	62871	65152	67433	69714	71995	74276
21	69697	68585	70963	73341	75719	78097
22	69967	72215	74733	77251	79769	82287
23	73420	76011	78602	81193	83784	86375
24	77343	80032	82721	85410	88099	90788
25	81608	84411	87214	90017	92820	95623

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	29580	963	31319	32848	35610	37140
2	30723	1014	32561	34179	37017	38635
3	32159	1058	34077	35765	38662	40351
4	33622	1115	35774	37411	40388	42025
5	35188	1170	37310	39173	42230	44096
6	37003	1234	39237	41205	44348	46317
7	38918	1282	41242	43286	46495	48539
8	40931	1332	43344	45470	48747	50872
9	43076	1391	45598	47819	51184	53402
10	45427	1462	48070	50398	53851	56178
11	47897	1521	50650	53072	56611	59033
12	50410	1588	53292	55825	59458	61995
13	53225	1659	56225	58866	62592	65233
14	56144	1739	59288	62055	65889	68657
15	59146	1809	62419	65301	69238	72119
16	62314	1891	65736	68749	72793	75806
17	65732	1991	69335	72502	76688	79857
18	69339	2091	73125	76458	80785	84120
19	72935	2182	76888	80366	84818	88297
20	76557	2281	80693	84330	88926	92565
21	80475	2378	84787	88581	93305	97098
22	84805	2518	89364	93373	98289	102300
23	88966	2591	93662	97796	102815	106950
24	93477	2689	98345	102628	107781	112067
25	98426	2803	103502	107970	113279	117747

(5) Effective March twenty-sixth, two thousand fifteen for officers and employees on the administrative payroll and effective April second, two thousand fifteen for officers and employees on the institutional payroll:

SECURITY SUPERVISORS SALARY SCHEDULE
NON-ARBITRATION ELIGIBLE ONLY

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	24278	25260	26242	27224	28206	29188
2	25132	26166	27200	28234	29268	30302
3	26327	27406	28485	29564	30643	31722
4	27471	28608	29745	30882	32019	33156
5	28731	29925	31119	32313	33507	34701
6	30191	31450	32709	33968	35227	36486
7	31851	33159	34467	35775	37083	38391
8	33598	34957	36316	37675	39034	40393
9	35425	36844	38263	39682	41101	42520
10	37388	38879	40370	41861	43352	44843
11	39546	41098	42650	44202	45754	47306
12	41700	43320	44940	46560	48180	49800
13	44136	45828	47520	49212	50904	52596
14	46624	48398	50172	51946	53720	55494
15	49258	51103	52948	54793	56638	58483
16	51987	53916	55845	57774	59703	61632
17	54862	56893	58924	60955	62986	65017
18	57929	60062	62195	64328	66461	68594
19	61040	63266	65492	67718	69944	72170
20	64128	66455	68782	71109	73436	75763
21	67531	69957	72383	74809	77235	79661
22	71091	73659	76227	78795	81363	83931
23	74888	77531	80174	82817	85460	88103
24	78890	81633	84376	87119	89862	92605
25	83240	86099	88958	91817	94676	97535

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	30170	982	31944	33503	36321	37881
2	31336	1034	33211	34861	37756	39406
3	32801	1079	34757	36479	39434	41157
4	34293	1137	36488	38158	41194	42864
5	35895	1194	38059	39960	43078	44981
6	37745	1259	40024	42031	45237	47245
7	39699	1308	42069	44154	47428	49512
8	41752	1359	44213	46382	49724	51892
9	43939	1419	46511	48777	52209	54472
10	46334	1491	49030	51404	54926	57300
11	48858	1552	51666	54137	57746	60217
12	51420	1620	54360	56943	60649	63237
13	54288	1692	57348	60042	63842	66536

14	**57268**	**1774**	**60475**	**63297**	**67208**	**70031**
15	**60328**	**1845**	**63666**	**66606**	**70622**	**73560**
16	**63561**	**1929**	**67051**	**70125**	**74250**	**77323**
17	**67048**	**2031**	**70723**	**73953**	**78223**	**81456**
18	**70727**	**2133**	**74589**	**77988**	**82402**	**85804**
19	**74396**	**2226**	**78428**	**81976**	**86517**	**90065**
20	**78090**	**2327**	**82309**	**86018**	**90706**	**94418**
21	**82087**	**2426**	**86485**	**90355**	**95174**	**99042**
22	**86499**	**2568**	**91149**	**95238**	**100253**	**104344**
23	**90746**	**2643**	**95536**	**99753**	**104872**	**109090**
24	**95348**	**2743**	**100313**	**104682**	**109938**	**114310**
25	**100394**	**2859**	**105572**	**110129**	**115544**	**120101**

§ 3. Subdivision 2-a of section 207-a of the state finance law, as amended by chapter 152 of the laws of 2010, is amended to read as follows:

2-a. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law so provides on behalf of employees in the collective negotiating unit designated as the security supervisors unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement providing for such employee benefit fund, such amount to be determined consistent with said agreement on the basis of the number of full-time annual salaried employees, as determined by the comptroller, on the payroll on the last day of the payroll period in which March first, two thousand [~~seven~~] **nine** falls for payments to be made on April first, two thousand [~~seven~~] **nine** and, on the last day of the payroll period in which March first, two thousand [~~eight~~] **ten** falls for payments to be made on April first, two thousand [~~eight~~] **ten and, on the last day of the payroll period in which March first, two thousand eleven falls for payments to be made on April first, two thousand eleven and, on the last day of the payroll period in which March first, two thousand twelve falls for payments to be made on April first, two thousand twelve and, on the last day of the payroll period in which March first, two thousand thirteen falls for payments to be made on April first, two thousand thirteen and, on the last day of the payroll period in which March first, two thousand fourteen falls for payments to be made on April first, two thousand fourteen and, on the last day of the payroll period in which March first, two thousand fifteen falls for payments to be made on April first, two thousand fifteen**. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The director may enter into an agreement with an employee organization which sets forth the specific terms and conditions of the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section. Such agreement shall provide that any contributions paid to the employee organization

for the establishment and maintenance of the employee benefit fund pursuant to this section on behalf of eligible members of this unit shall be offset by contributions already made on behalf of those members in each of the covered years, where applicable.

§ 4. Subdivision 15 of section 7 of chapter 15 of the laws of 2012 amending the civil service law and other laws relating to compensation and benefits of certain state officers and employees is amended to read as follows:

15. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivision **eight,** eleven, twelve, or thirteen of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

§ 5. Uniform allowance for certain members of the security services collective negotiating unit. Notwithstanding any provision of law to the contrary, effective April 1, 2012, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides for certain members of the security services collective negotiating unit who are not eligible for binding interest arbitration pursuant to subdivision 4 of section 209 of the civil service law, and who are seasonal and part-time employees other than those in annual salaried positions, a uniform allowance shall continue to be paid in accordance with the terms of such agreement.

§ 6. Compensation for members of the collective negotiating unit designated as security supervisors pursuant to an agreement between the state of New York and the employee organization representing such individuals. 1. The provisions of this section shall apply to all full-time annual salaried officers and employees in the collective negotiating unit designated as the security supervisors unit established pursuant to article 14 of the civil service law except where the provisions of this section specifically reference certain employees and therefore such provisions shall apply to the employees so referenced.

2. Effective April 1, 2009, the basic annual salary of all officers and employees in the security supervisors unit who are in full-time annual salaried employment status on March 31, 2009, shall be increased by three percent.

3. Effective April 1, 2010, the basic annual salary of all officers and employees in the security supervisors unit who are in full-time annual salaried employment status on March 31, 2010, shall be increased by four percent.

4. Effective March 31, 2011, the basic annual salary of all officers and employees in the security supervisors unit who are not eligible for binding interest arbitration pursuant to subdivision 4 of section 209 of the civil service law and who are in full-time annual salaried employment status on March 30, 2011, shall be increased by one thousand seventy-five dollars to reflect the addition of the uniform cleaning and maintenance to base salary.

5. (a) Effective April 1, 2013, a lump sum payment of seven hundred seventy-five dollars shall be made to each employee in the security supervisors unit in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the

state and the employee organization representing employees in the security supervisors unit, 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary. Notwithstanding the foregoing provisions of this subdivision, officers and employees who would have otherwise been eligible to receive such lump sum payment, but who were not on the payroll on such date, shall be eligible for said payment if they return to full-time employment status during the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, a lump sum payment of two hundred twenty-five dollars shall be made to each employee in the security supervisors unit in full-time annual salaried employment status who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security supervisors unit, 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary.

6. Effective April 1, 2014, the basic annual salary of all officers and employees in the security supervisors unit who are in full-time annual salaried employment status on March 31, 2014, shall be increased by two percent.

7. Effective April 1, 2015, the basic annual salary of all officers and employees in the security supervisors unit who are in full-time annual salaried employment status on March 31, 2015, shall be increased by two percent.

8. Advancement within a salary grade. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for all annual-salaried officers and employees in the security supervisors unit who are entitled to such payments shall be payable pursuant to the terms of an agreement between the state of New York and an employee organization representing employees subject to the provisions of this section entered into pursuant to article 14 of the civil service law (hereinafter "the agreement" or "an agreement").

9. Effective April 1, 2009, pursuant to the terms of an agreement covering all full-time officer and employee members of the security supervisors unit, for such unit members who are on the institutional or administrative payroll, the ten-year, the fifteen-year, the twenty-year and the twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by paragraph i of subdivision 1 of section 130 of the civil service law, as added by section one of this act, or paragraph b of subdivision 1 of section 130 of the civil service law, as added by section two of this act.

10. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five year longevity step of the salary grade of his or her position on the effective dates of the increases provided by this section, respectively, for such unit members to whom the provisions of this section apply on the institutional or administrative payroll,

such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five year longevity step of such salary grade as contained in either paragraph i of subdivision 1 of section 130 of the civil service law, as added by section one of this act, or of paragraph b of subdivision 1 of section 130 of the civil service law, as added by section two of this act, to take effect on the dates provided in either paragraph i of subdivision 1 of section 130 of the civil service law, as added by section one of this act, or of paragraph b of subdivision 1 of section 130 of the civil service law, as added by section two of this act. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, four, six, and seven of this section.

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

12. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivisions four, eight, nine, and ten of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

13. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis.

14. In order to provide for the annual-salaried officers and employees to whom this section applies who are not allocated to salary grades, performance advancements and payments in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries thereof for which adjustments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

15. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the division of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

§ 7. Additional compensation for all members of the security supervisors unit who are in full-time annual-salaried employment status. 1. In recognition of the general requirement for full-time annual salaried employees of the state in the security supervisors unit to assemble for briefing prior to the commencement of duties, where and to the extent an agreement so provides, each such employee except such an employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, shall receive additional compensation in recognition of pre-shift briefing.

2. Each such employee holding a position in the security supervisors unit shall be compensated for pre-shift briefing in accordance with the terms of the agreement covering certain members of the security supervisors unit. No payments authorized pursuant to this section and such negotiated agreement shall be made to an employee who is in non pay status for that day.

3. Any such additional compensation pursuant to this section shall be paid in addition to and shall not be a part of the employee's basic annual salary and shall not be included as compensation for the purposes of computation of overtime pay; provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation shall be in lieu of the continuation of any other additional compensation for such employees in recognition of pre-shift briefing.

§ 8. Command pay. 1. Pursuant to the terms of an agreement covering members of the collective negotiating unit designated as security supervisors who are eligible for interest arbitration and are full-time annual-salaried and are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and notwithstanding any law, rule, or regulation to the contrary, effective April 1, 2009, the corrections command pay received by these employees shall be increased by three percent to one thousand six hundred thirty-nine dollars. Effective April 1, 2010, the corrections command pay received by these employees shall be increased by four percent to one thousand seven hundred five dollars.

2. Pursuant to the terms of an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law covering members of the collecting negotiating unit designated as security supervisors who are not eligible for binding interest arbitration pursuant to subdivision 4 of section 209 of the civil service law, effective March 31, 2011, such members shall begin receiving corrections command pay in the amount of one thousand seven hundred five dollars and this benefit shall be called security supervisors command pay rather than corrections command pay to reflect its applicability to both interest arbitration eligible members and those members not eligible for interest arbitration.

3. Pursuant to the terms of an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law covering members of the collecting negotiating unit designated as security supervisors, effective April 1, 2014, security supervisors command pay shall be increased by two percent to one thousand seven hundred thirty-nine dollars. Effective April 1, 2015, security supervisors command pay shall be increased by two percent to one thousand seven hundred seventy-four dollars.

4. These payments will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

§ 9. Ineligibility for additional compensation. Notwithstanding any law, rule or regulation to the contrary, any employees of the state in the security supervisors unit who are eligible for additional compensation pursuant to subdivision 5 of section 134 of the civil service law shall be deemed ineligible for such additional compensation to the extent, in the manner and under the circumstances provided for in the agreement negotiated on behalf of such employees.

§ 10. Uniform allowance. Pursuant to the terms of an agreement covering certain members of the security supervisors unit who are ineligible for interest arbitration, and in recognition of the general requirement for employees in the security supervisors unit who are ineligible for interest arbitration to wear a uniform, each such employee who is on the payroll on the first day of November preceding the annual effective date shall receive an increase in the allowance for cleaning and maintenance to the rate of six hundred eighty-one dollars per year effective December 1, 2009. This amount shall increase to the rate of seven hundred eight dollars per year effective December 1, 2010. Such allowance shall be payable by separate check on or about December 1 of each specified year. Effective March 31, 2011, the allowance for cleaning and maintenance of uniforms for eligible members shall be increased to the rate of one thousand seventy-five dollars, added to the basic annual salary of those employees in payroll status on March 30, 2011, and thereafter eliminated as a separate payment. Such addition to basic annual salary on March 31, 2011 is specified in subdivision four of section six of this act.

§ 11. Location compensation for certain state officers and employees in the collective negotiating unit designated as security supervisors for arbitration ineligible members.

1. Pursuant to the terms of an agreement covering certain members of the security supervisors unit who are ineligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, effective April 1, 2009, all members of the security supervisors unit who are ineligible for interest arbitration and are full-time annual-salaried employees 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 comptroller is located in the county of Monroe and who were eligible to receive locational pay on May 23, 1985 shall receive locational pay at the rate of two hundred three dollars per year provided they continue to be otherwise eligible.

2. Pursuant to the terms of an agreement covering certain members of the security supervisors unit who are ineligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, all members of the security supervisors unit who are ineligible for interest arbitration and are full-time annual-salaried employees 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 comptroller, is in the city of New York or in the county of Nassau, Suffolk, Westchester or Rockland or in the county of Orange, Putnam or Dutchess shall receive locational compensation in the annual amounts as follows:

Nassau, Suffolk, Westchester, Rockland or city of New York	Orange, Putnam or Dutchess

4/1/2009	$1,591	$849
4/1/2010	$1,655	$883
4/1/2011	$1,655	$883
4/1/2012	$1,655	$883
4/1/2013	$1,655	$883
4/1/2014	$1,688	$901
4/1/2015	$1,722	$919

3. The locational compensation as set out in all subdivisions of this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that locational pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the 26 payroll periods in each fiscal year.

§ 12. Location compensation for arbitration eligible members. 1. Pursuant to the terms of an agreement covering certain members of the security supervisors unit who are eligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, all members of this unit who are employed by the state department of corrections and community supervision as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual-salaried employees 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 comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk, shall receive locational compensation in the annual amounts as follows:

	Orange/Putnam/Dutchess	NYC/Rockland/Westchester	Nassau/Suffolk
4/1/2009	$1,231	$3,306	$3,379
4/1/2010	$1,280	$3,438	$3,514

2. The locational compensation as set out in all subdivisions of this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law; provided, however, that locational pay shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the 26 payroll periods in each fiscal year.

§ 13. Continuation of locational compensation for certain officers and employees of the Hudson Valley developmental disabilities services office.

1. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the security supervisors unit, who is receiving locational pay pursuant to section 5 of chapter 174 of the laws of 1993 shall continue to receive such locational pay under the conditions and at the rates specified by such section 5 of chapter 174 of the laws of 1993.

2. Notwithstanding any law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the security supervisors unit who is receiving locational pay pursuant to subdivision 2 of section 11 of chapter 3 of the laws of 1996 shall continue to receive such locational

pay under the conditions and at the rates specified by such subdivision 2 of section 11 of chapter 3 of the laws of 1996.

3. Notwithstanding this section of this act or any other law, rule or regulation to the contrary, any officer or employee of the Hudson Valley developmental disabilities services office represented in the security supervisors unit who is receiving locational pay pursuant to said section twelve of this act shall continue to be eligible for such locational pay if such officer's or employee's principal place of employment is changed to a location outside of the county of Rockland as the result of a reduction or redeployment of staff; provided, however, that such officer or employee is reassigned to or otherwise appointed or promoted to a different position at another work location within such Hudson Valley developmental disabilities services office located outside of the county of Rockland. The rate of such continued locational pay shall not exceed the rate such officer or employee is receiving on the date of such reassignment, appointment or promotion.

§ 14. Facility security supervisor pay. Pursuant to the terms of an agreement covering certain members of the security supervisors unit who are ineligible for interest arbitration, are full-time annual-salaried employees and, notwithstanding any inconsistent provision of law, rule or regulation to the contrary, where and to the extent that an agreement so provides, effective April 1, 2009, such eligible members of the security supervisors unit who are ineligible for interest arbitration shall receive an increase of three percent to five hundred forty-six dollars annually, in recognition of their facility security supervisory responsibilities. Effective April 1, 2010, this payment shall be increased by four percent to five hundred sixty-eight dollars for any such eligible members of the security supervisors unit who are ineligible for interest arbitration. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes. Effective March 31, 2011, this payment shall be eliminated.

§ 15. Security enforcement differential. Pursuant to the terms of an agreement covering certain members of the security supervisors unit who are ineligible for interest arbitration, are full-time annual-salaried employees and, notwithstanding any inconsistent provision of law, rule or regulation to the contrary, where and to the extent that an agreement so provides, effective April 1, 2009, such eligible members shall receive an increase by three percent to six hundred eighty-two dollars. Effective April 1, 2010, the security enforcement differential shall be increased by four percent to seven hundred nine dollars. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes. Effective March 31, 2011, this payment shall be eliminated.

§ 16. Inconvenience pay program for arbitration ineligible employees. Pursuant to chapter 333 of the laws of 1969, as amended, and an agreement covering certain members of the security supervisors unit who are ineligible for interest arbitration, are full-time annual-salaried employees and, notwithstanding any inconsistent provision of law, rule or regulation to the contrary, where and to the extent that an agreement so provides, effective April 1, 2009, the inconvenience pay provided to eligible employees shall be increased by three percent to six hundred two dollars per year for working four or more hours between the hours of 6:00 p.m. and 6:00 a.m., except on an overtime basis. Effective April 1, 2010, the inconvenience pay provided to eligible employees shall be increased by four percent to six hundred twenty-six dollars per year for

1 working four or more hours between the hours of 6:00 p.m. and 6:00 a.m.,
2 except on an overtime basis.
3 § 17. Inconvenience pay program for arbitration eligible employees.
4 Pursuant to the terms of an agreement covering certain members of the
5 security supervisors unit who are eligible for interest arbitration and
6 who are employed by the state department of corrections and community
7 supervision and are designated as peace officers pursuant to subdivision
8 25 of section 2.10 of the criminal procedure law, effective April 1,
9 2009, the inconvenience pay paid to unit members to whom the provisions
10 of this section apply who work the evening shift as defined by the indi-
11 vidual facilities within the department of corrections and community
12 supervision, shall increase by three percent to one thousand eight
13 hundred fifty-four dollars per year to be paid in equal bi-weekly
14 installments for work on such shift. Effective April 1, 2010, this
15 amount shall be increased by four percent to one thousand nine hundred
16 twenty-eight dollars. Effective April 1, 2009, the inconvenience pay
17 paid to unit members to whom the provisions of this section apply who
18 work the night shift as defined by the individual facilities within the
19 department of corrections and community supervision shall be increased
20 by three percent to nine hundred twenty-seven dollars per year to be
21 paid in equal bi-weekly installments for work on such shift. Effective
22 April 1, 2010, this amount shall be increased by four percent to nine
23 hundred sixty-four dollars.
24 § 18. Dependent care deductions. Notwithstanding any other provision
25 of law, rule or regulation to the contrary, where and to the extent that
26 an agreement so provides on behalf of employees in the security supervi-
27 sors unit, the state shall contribute an amount designated in such
28 agreement and for the period covered by such agreement to the accounts
29 of such employees enrolled for dependent care deductions pursuant to
30 section 201-a of the state finance law. Such amounts shall be from
31 funds appropriated in this act and shall not be part of basic annual
32 salary for overtime and retirement purposes.
33 § 19. Statewide joint labor-management committee. During the period
34 April 1, 2012 through March 31, 2016, there shall be a statewide joint
35 labor-management committee continued and administered pursuant to the
36 terms of an agreement covering employees in the security supervisors
37 unit which shall, within the amounts available therefor, study and make
38 recommendations concerning major issues of health insurance, employee
39 assistance, work-life services, family benefits, performance evaluation,
40 education and training and provide for the implementation of the terms
41 of agreements of such committee.
42 § 20. Grievance and arbitration settlements and awards. Notwithstand-
43 ing any provision of law, rule or regulation to the contrary, the appro-
44 priations contained in this act shall be available to the state of New
45 York for the payment and publication of grievance and arbitration
46 settlements and awards to employees of the security supervisors unit
47 covered by the terms of the agreement referenced in sections seven and
48 eight of this act.
49 § 21. Salaries of employees hired on or after September 1, 1992.
50 Notwithstanding any provision of law, rule or regulation to the contra-
51 ry, and where and to the extent an agreement covering employees in the
52 security supervisors unit so provides, the salaries of employees newly
53 hired on or after September 1, 1992 into state service in positions
54 within said negotiating unit shall not be subject to the provisions of
55 subdivision 2-a of section 200 of the state finance law.

§ 22. Collective negotiation agreement. The salary increases and benefit modifications provided for by this act for state employees in the security supervisors unit shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter indicating that there is in effect with respect to such negotiating unit a collective negotiation agreement which provides for such increases and modifications and which is fully executed in writing with the state pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure of the employee organization certified pursuant to article 14 of the civil service law to represent such collective negotiating unit.

§ 23. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law, rule or regulation to the contrary, the increase in salary or compensation of all members of the security supervisors unit, including those who are employed by the state department of corrections and community supervision and are peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and those who are ineligible for interest arbitration, shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of the payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section twenty-four of this act.

§ 24. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act, or of any other law, rule or regulation, pending payment pursuant to this act of the basic annual salaries and other compensation due to incumbents of positions subject to this act such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2009, until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received therefor. Such lump sum payment shall be made in one payment in accordance with the terms of the agreement between the state and the employee organization representing the members of the security supervisors unit. Notwithstanding any provision of law, rule or regulation to the contrary, no member of the security supervisors unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the agreement covering employees in the security supervisors unit.

§ 25. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2012 by the foregoing provisions of this act 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 are insufficient to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available, the amounts necessary to pay such amounts. The aforementioned appropriations shall be available for payment of any liabilities or obligations incurred prior to or during the state fiscal year commencing April 1, 2012.

§ 26. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $552,000 from the general fund to the mental hygiene account (10) in the miscellaneous state special revenue fund (339) to carry out the provisions of section twenty-eight of this act.

§ 27. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, upon request of the director of the budget, the comptroller is hereby authorized and directed to transfer up to $669,000 from the general fund to the mental hygiene patient income account (13) in the miscellaneous state special revenue fund (339) to carry out the provisions of section twenty-eight of this act.

§ 28. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning April 1, 2012 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to April 1, 2012 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2012. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2012. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account - 003

Personal Service

Personal service 11,087,000

Nonpersonal Service

Fringe benefits 920,000
Employee training and development 21,000
Quality of work life committee 15,000

1 Family benefits committee 14,000
2 Employee assistant program 4,000
3 Contract administration 50,000
4 Employee benefit fund 93,000
5 Legal defense fund 5,000
6 Management directed training 14,000
7 Organizational alcoholism program 6,000
8 Joint Committee on Health Benefits 7,000

9 Special Revenue Funds - Other
10 Miscellaneous Special Revenue Fund - 339

11 Personal Service

12 Personal service 929,000

13 Nonpersonal Service

14 Fringe benefits 480,000

15 Special Revenue Federal
16 Federal Unemployment Insurance Administration - 480

17 Personal Service

18 Personal service 15,000

19 Nonpersonal Service

20 Fringe benefits 8,000
21 § 29. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2009.
23 REPEAL NOTE. -- Paragraph i of subdivision 1 of section 130 of the
24 civil service law is REPEALED and replaced by a new paragraph i reflect-
25 ing the new salary schedule negotiated between the state and employee
26 organization representing employees in the security supervisors negoti-
27 ating unit established by article 14 of the civil service law.
28 Paragraph b of subdivision 1 of section 130 of the civil service law
29 is REPEALED and replaced by a new paragraph b reflecting the new salary
30 schedule negotiated between the state and employee organization repres-
31 enting employees in the security supervisors negotiating unit estab-
32 lished by article 14 of the civil service law.

STATE OF NEW YORK

7672

IN SENATE

June 13, 2012

Introduced by Sen. SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the local finance law, in relation to authorizing the city of Long Beach to amortize the cost of payments

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is
2 amended by adding a new subdivision 85-e to read as follows:
3 **85-e. Payments by the city of Long Beach to or for the benefit of**
4 **employees upon separation from employment, as have been or may be**
5 **approved by the city and including, but not limited to, cash payment for**
6 **separation incentives, voluntary early retirement incentive programs**
7 **and/or payment of the monetary value of accrued and accumulated but**
8 **unused and unpaid sick leave, personal leave, holiday leave, vacation**
9 **time, time allowances granted in lieu of overtime compensation, premiums**
10 **or contributions with respect to health, dental and vision care insur-**
11 **ance plans for the fiscal year in which such separation occurs, and any**
12 **other forms of payment required to be paid to or for the benefit of such**
13 **employees in connection with the separation from employment, five years.**
14 § 2. This act shall take effect immediately.

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

LBD15464-01-2

STATE OF NEW YORK

S. 7707 A. 10684

SENATE - ASSEMBLY

June 14, 2012

IN SENATE -- Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jordan) -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the city of Mechanicville, in the county of Saratoga, to offer a certain retirement plan to Anthony J. Toleman and David M. Altamura

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the city of Mechanicville, in the county of Saratoga, a participating
3 employer in the New York state and local police and fire retirement
4 system, which previously elected to offer the optional twenty-year
5 retirement plan, established pursuant to section 384-d of the retirement
6 and social security law, to police officers employed by such city, is
7 hereby authorized to make participation in such plan available to Antho-
8 ny J. Toleman and David M. Altamura, police officers employed by the
9 city of Mechanicville, who, for reasons not ascribable to their own
10 negligence, failed to make a timely application to participate in such
11 optional twenty-year retirement plan. The city of Mechanicville may so
12 elect by filing with the comptroller, on or before December 31, 2012, a
13 resolution of its city council together with certification that such
14 police officers did not bar themselves from participation in such
15 retirement plan as a result of their own negligence. Thereafter, such
16 police officers may elect to be covered by the provisions of section
17 384-d of the retirement and social security law, and shall be entitled
18 to the full rights and benefits associated with coverage under such
19 section, including eligibility for participation in the plan established
20 pursuant to section 384-e of the retirement and social security law, by
21 filing a request to that effect with the state comptroller on or before
22 June 30, 2013.

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

LBD16196-02-2

1 § 2. All employer costs associated with implementing the provisions of
2 this act shall be borne by the city of Mechanicville.
3 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow the City of Mechanicville to reopen the provisions of Section 384-d of the Retirement and Social Security Law for all police officers in its employ.

If this legislation is enacted during the 2012 legislative session, we anticipate that there will be an increase of approximately $4,500 in the annual contributions of the City of Mechanicville for the fiscal year ending March 31, 2013.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $61,000, which would be borne by the City of Mechanicville as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2013.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated June 13, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-159, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

S. 7747 A. 10720

SENATE - ASSEMBLY

June 17, 2012

IN SENATE -- Introduced by Sen. ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

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 corrections and community supervision; authorizing funding of joint labor-management committees; implementing an agreement between the state and an employee organization; 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:

Section 1. Paragraph g of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph g is added to read as follows:

g. Pursuant to the terms of an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law covering members of the collective negotiating unit designated as the security services collective negotiating unit who are employed within the state department of corrections and community supervision and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective on the dates indicated, salary grades for such unit members shall be as follows:

(1) Effective April second, two thousand nine for officers and employees on the administrative payroll and effective March twenty-sixth, two thousand nine for officers and employees on the institutional payroll:

SECURITY SERVICES SALARY SCHEDULE
Arbitration Eligible Only

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

LBD12163-04-2

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	23964	24896	25828	26760	27692	28624
2	24775	25757	26739	27721	28703	29685
3	25908	26933	27958	28983	30008	31033
4	26994	28075	29156	30237	31318	32399
5	28191	29325	30459	31593	32727	33861
6	29576	30771	31966	33161	34356	35551
7	31153	32395	33637	34879	36121	37363
8	32812	34102	35392	36682	37972	39262
9	34547	35894	37241	38588	39935	41282
10	36413	37829	39245	40661	42077	43493
11	38463	39937	41411	42885	44359	45833
12	40505	42044	43583	45122	46661	48200
13	42821	44427	46033	47639	49245	50851
14	45183	46867	48551	50235	51919	53603
15	47684	49435	51186	52937	54688	56439
16	50277	52107	53937	55767	57597	59427
17	53002	54931	56860	58789	60718	62647
18	55918	57941	59964	61987	64010	66033
19	58873	60987	63101	65215	67329	69443
20	61805	64015	66225	68435	70645	72855
21	65034	67337	69640	71943	74246	76549
22	68416	70855	73294	75733	78172	80611
23	72024	74533	77042	79551	82060	84569
24	75823	78425	81027	83629	86231	88833
25	79954	82668	85382	88096	90810	93524

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	29556	932	31203	32652	35268	36718
2	30667	982	32408	33942	36631	38164
3	32058	1025	33874	35473	38217	39816
4	33480	1081	35519	37072	39889	41441
5	34995	1134	37005	38773	41666	43435
6	36746	1195	38863	40727	43703	45566
7	38605	1242	40806	42743	45782	47717
8	40552	1290	42840	44852	47957	49970
9	42629	1347	45021	47123	50309	52413
10	44909	1416	47414	49618	52888	55094
11	47307	1474	49914	52211	55562	57859
12	49739	1539	52469	54869	58312	60713
13	52457	1606	55300	57800	61333	63831
14	55287	1684	58265	60885	64518	67138
15	58190	1751	61292	64021	67748	70477
16	61257	1830	64498	67350	71186	74038
17	64576	1929	67987	70989	74954	77956
18	68056	2023	71642	74800	78899	82055
19	71557	2114	75301	78595	82813	86107
20	75065	2210	78982	82430	86780	90229

21	78852	2303	82935	86530	91007	94600
22	83050	2439	87369	91167	95826	99625
23	87078	2509	91528	95443	100199	104114
24	91435	2602	96045	100103	104987	109045
25	96238	2714	101046	105279	110309	114543

(2) Effective April first, two thousand ten for officers and employees on the administrative payroll and effective March twenty-fifth, two thousand ten for officers and employees on the institutional payroll:

SECURITY SERVICES SALARY SCHEDULE
Arbitration Eligible Only

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	24923	25892	26861	27830	28799	29768
2	25766	26787	27808	28829	29850	30871
3	26944	28010	29076	30142	31208	32274
4	28074	29198	30322	31446	32570	33694
5	29319	30498	31677	32856	34035	35214
6	30759	32002	33245	34488	35731	36974
7	32399	33691	34983	36275	37567	38859
8	34124	35466	36808	38150	39492	40834
9	35929	37330	38731	40132	41533	42934
10	37870	39343	40816	42289	43762	45235
11	40002	41535	43068	44601	46134	47667
12	42125	43726	45327	46928	48529	50130
13	44534	46204	47874	49544	51214	52884
14	46990	48741	50492	52243	53994	55745
15	49591	51412	53233	55054	56875	58696
16	52288	54191	56094	57997	59900	61803
17	55122	57128	59134	61140	63146	65152
18	58155	60259	62363	64467	66571	68675
19	61228	63427	65626	67825	70024	72223
20	64277	66576	68875	71174	73473	75772
21	67635	70030	72425	74820	77215	79610
22	71153	73690	76227	78764	81301	83838
23	74905	77514	80123	82732	85341	87950
24	78856	81562	84268	86974	89680	92386
25	83152	85975	88798	91621	94444	97267

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	30737	969	32450	33957	36677	38185
2	31892	1021	33703	35298	38095	39689
3	33340	1066	35229	36892	39745	41408
4	34818	1124	36939	38554	41483	43097
5	36393	1179	38483	40322	43331	45171
6	38217	1243	40419	42357	45452	47390
7	40151	1292	42440	44455	47615	49627
8	42176	1342	44556	46648	49877	51971

9	44335	1401	46823	49009	52322	54510
10	46708	1473	49313	51605	55006	57300
11	49200	1533	51911	54300	57785	60174
12	51731	1601	54570	57066	60647	63144
13	54554	1670	57511	60111	63785	66383
14	57496	1751	60593	63318	67096	69821
15	60517	1821	63743	66581	70457	73295
16	63706	1903	67077	70043	74032	76998
17	67158	2006	70705	73828	77951	81073
18	70779	2104	74508	77793	82056	85338
19	74422	2199	78316	81742	86128	89554
20	78071	2299	82145	85731	90255	93842
21	82005	2395	86251	89990	94646	98383
22	86375	2537	90867	94817	99662	103613
23	90559	2609	95187	99259	104205	108276
24	95092	2706	99886	104107	109186	113406
25	100090	2823	105090	109493	114724	119127

(3) Effective March twenty-seventh, two thousand fourteen for officers and employees on the administrative payroll and effective April third, two thousand fourteen for officers and employees on the institutional payroll:

SECURITY SERVICES SALARY SCHEDULE
Arbitration Eligible Only

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	25421	26410	27399	28388	29377	30366
2	26281	27323	28365	29407	30449	31491
3	27483	28570	29657	30744	31831	32918
4	28635	29782	30929	32076	33223	34370
5	29905	31108	32311	33514	34717	35920
6	31374	32642	33910	35178	36446	37714
7	33047	34365	35683	37001	38319	39637
8	34806	36175	37544	38913	40282	41651
9	36648	38077	39506	40935	42364	43793
10	38627	40130	41633	43136	44639	46142
11	40802	42366	43930	45494	47058	48622
12	42968	44601	46234	47867	49500	51133
13	45425	47128	48831	50534	52237	53940
14	47930	49716	51502	53288	55074	56860
15	50583	52440	54297	56154	58011	59868
16	53334	55275	57216	59157	61098	63039
17	56224	58270	60316	62362	64408	66454
18	59318	61464	63610	65756	67902	70048
19	62453	64696	66939	69182	71425	73668
20	65563	67908	70253	72598	74943	77288
21	68988	71431	73874	76317	78760	81203
22	72576	75164	77752	80340	82928	85516
23	76403	79064	81725	84386	87047	89708
24	80433	83193	85953	88713	91473	94233
25	84815	87695	90575	93455	96335	99215

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	31355	989	33102	34639	37414	38952
2	32533	1042	34380	36007	38860	40486
3	34005	1087	35932	37628	40538	42234
4	35517	1147	37680	39328	42315	43962
5	37123	1203	39255	41131	44200	46077
6	38982	1268	41228	43205	46362	48338
7	40955	1318	43290	45345	48568	50621
8	43020	1369	45448	47581	50875	53011
9	45222	1429	47760	49989	53369	55601
10	47645	1503	50302	52640	56109	58449
11	50186	1564	52951	55388	58943	61379
12	52766	1633	55662	58208	61860	64407
13	55643	1703	58659	61311	65059	67709
14	58646	1786	61805	64584	68438	71218
15	61725	1857	65016	67910	71864	74759
16	64980	1941	68418	71444	75513	78538
17	68500	2046	72118	75303	79509	82693
18	72194	2146	75998	79348	83697	87044
19	75911	2243	79883	83377	87851	91346
20	79633	2345	83788	87446	92061	95719
21	83646	2443	87977	91791	96540	100352
22	88104	2588	92686	96715	101657	105687
23	92369	2661	97090	101243	106288	110440
24	96993	2760	101883	106188	111369	115673
25	102095	2880	107195	111686	117022	121513

(4) Effective March twenty-sixth, two thousand fifteen for officers and employees on the administrative payroll and effective April second, two thousand fifteen for officers and employees on the institutional payroll:

SECURITY SERVICES SALARY SCHEDULE
Arbitration Eligible Only

SG	Hiring Rate	Perf. Advance Step 1	Perf. Advance Step 2	Perf. Advance Step 3	Perf. Advance Step 4	Perf. Advance Step 5
1	25929	26938	27947	28956	29965	30974
2	26807	27870	28933	29996	31059	32122
3	28033	29142	30251	31360	32469	33578
4	29208	30378	31548	32718	33888	35058
5	30503	31730	32957	34184	35411	36638
6	32001	33295	34589	35883	37177	38471
7	33708	35052	36396	37740	39084	40428
8	35502	36898	38294	39690	41086	42482
9	37381	38839	40297	41755	43213	44671
10	39400	40933	42466	43999	45532	47065
11	41618	43213	44808	46403	47998	49593
12	43827	45493	47159	48825	50491	52157

13	46334	48071	49808	51545	53282	55019
14	48889	50711	52533	54355	56177	57999
15	51595	53489	55383	57277	59171	61065
16	54401	56381	58361	60341	62321	64301
17	57348	59435	61522	63609	65696	67783
18	60504	62693	64882	67071	69260	71449
19	63702	65990	68278	70566	72854	75142
20	66874	69266	71658	74050	76442	78834
21	70368	72860	75352	77844	80336	82828
22	74028	76668	79308	81948	84588	87228
23	77931	80645	83359	86073	88787	91501
24	82042	84857	87672	90487	93302	96117
25	86511	89449	92387	95325	98263	101201

SG	Job Rate	Perf. Adv.	10-yr Long Step	15-yr Long Step	20-yr Long Step	Long Max. 25-yr Long Step
1	31983	1009	33765	35333	38163	39732
2	33185	1063	35069	36728	39639	41297
3	34687	1109	36653	38382	41351	43081
4	36228	1170	38434	40115	43162	44842
5	37865	1227	40040	41953	45084	46998
6	39765	1294	42056	44072	47293	49308
7	41772	1344	44154	46250	49537	51631
8	43878	1396	46355	48530	51890	54069
9	46129	1458	48718	50991	54439	56716
10	48598	1533	51308	53693	57231	59618
11	51188	1595	54008	56494	60120	62605
12	53823	1666	56777	59374	63099	65697
13	56756	1737	59832	62537	66360	69063
14	59821	1822	63043	65878	69809	72644
15	62959	1894	66316	69268	73301	76254
16	66281	1980	69788	72874	77025	80110
17	69870	2087	73560	76809	81099	84347
18	73638	2189	77518	80935	85371	88785
19	77430	2288	81481	85045	89609	93174
20	81226	2392	85464	89195	93903	97634
21	85320	2492	89738	93628	98472	102360
22	89868	2640	94542	98651	103692	107803
23	94215	2714	99030	103266	108412	112647
24	98932	2815	103920	108311	113596	117986
25	104139	2938	109341	113922	119365	123945

§ 2. Subdivision 2 of section 207-a of the state finance law, as amended by chapter 214 of the laws of 2009, is amended to read as follows:

2. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law between the state and an employee organization so provides on behalf of employees in the collective negotiating unit designated as the security services unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization

for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement or award providing for such employee benefit fund, such amount to be determined consistent with said agreement or award on the basis of the number of full-time annual salaried employees, as determined by the comptroller, on the payroll on the last day of the payroll period in which March first, two thousand [~~seven~~] **nine**, falls for payments to be made on April first, two thousand [~~seven~~] **nine**, on the last day of the payroll period in which March first, two thousand [~~eight~~] **ten** falls for payments to be made on April first, two thousand [~~eight~~] **ten, on the last day of the payroll period in which March first, two thousand eleven falls for payments to be made on April first, two thousand eleven, on the last day of the payroll period in which March first, two thousand twelve falls for payments to be made on April first, two thousand twelve, on the last day of the payroll period in which March first, two thousand thirteen falls for payments to be made on April first, two thousand thirteen, on the last day of the payroll period in which March first, two thousand fourteen falls for payments to be made on April first, two thousand fourteen and, on the last day of the payroll period in which March first, two thousand fifteen falls for payments to be made on April first, two thousand fifteen**. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The director may enter into an agreement with an employee organization which sets forth the specific terms and conditions for the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section.

§ 3. Compensation for members of the collective negotiating unit designated as security services pursuant to an agreement between the state of New York and the employee organization representing such individuals entered into pursuant to article 14 of the civil service law (hereinafter "the agreement" or "an agreement").

1. The provisions of this section shall apply to annual salaried members of the security services collective negotiating unit employed within the state department of corrections and community supervision, who are designated as peace officers pursuant to section 2.10 of the criminal procedure law.

2. Effective April 1, 2009, the basic annual salary of those members who are in annual salaried employment status on March 31, 2009 shall be increased by 3 percent.

3. Effective April 1, 2010, the basic annual salary of those members who are in annual salaried employment status on March 31, 2010 shall be increased by 4 percent.

4. (a) Effective April 1, 2013, a lump sum payment of seven hundred seventy-five dollars shall be made to each annual salaried member of the security services collective negotiating unit employed within the state department of corrections and community supervision, who is designated as a peace officer pursuant to section 2.10 of the criminal procedure law who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security services unit 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary. Notwithstanding the foregoing provisions of this subdivision, officers and employees who would have otherwise been eligible to receive such lump sum payment, but who were not on the payroll on such date, shall be eligible for said payment if they return to annual salaried employment status during the fiscal year 2013-2014 without a break in continuous service.

(b) Effective April 1, 2014, a lump sum payment of two hundred twenty-five dollars shall be made to each annual salaried member of the security services collective negotiating unit employed within the state department of corrections and community supervision, who is designated as a peace officer pursuant to section 2.10 of the criminal procedure law who was (i) active on the date of ratification of the agreement between the state and the employee organization representing employees in the security services unit 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 April 1, 2013. Such lump sum shall be considered salary for final average salary retirement purposes but shall not become part of basic annual salary.

5. Effective April 1, 2014, the basic annual salary of those members who are in annual salaried employment status on March 31, 2014, shall be increased by two percent.

6. Effective April 1, 2015, the basic annual salary of those members who are in annual salaried employment status on March 31, 2015, shall be increased by two percent.

7. Advancement within a salary grade. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for all annual-salaried officers and employees in the security services unit who are entitled to such payments shall be payable pursuant to the terms of an agreement.

8. Effective April 1, 2009, pursuant to the terms of an agreement covering those members of the security services collective negotiating unit who are employed with the state department of corrections and community supervision and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, for such unit members who are on the institutional or administrative payroll, the ten year, fifteen year, twenty year and twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by paragraph g of subdivision 1 of section 130 of the civil service law as added by section one of this act.

9. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such annual salaried unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, two, three, four, or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step, or the twenty-five-year longevity step of the salary grade of his or her position on the effective dates of the increases provided by this section, respectively, for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten-year longevity step, the fifteen-year longevity step, the twenty-year longevity step or the twenty-five-year longevity step of such salary grade as contained in paragraph g of subdivision one of section 130 of the civil service law, as added by section one of this

act, to take effect on the dates provided in paragraph g of subdivision one of section 130 of the civil service law, as added by section one of this act. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two, three, five, six, seven, and eight of this section.

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

11. The increases in salary payable pursuant to this section shall apply on a prorated basis to officers and employees, otherwise eligible to receive an increase in salary pursuant to this section, who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis and employees paid on any basis other than at an annual salaried rate; except that the provisions of subdivisions four, seven, eight, and nine of this section shall not apply to employees serving on an hourly, per diem, or seasonal basis, except as determined by the director of the budget.

12. Notwithstanding any other provision of this section, the provisions of this section shall not apply to officers or employees paid on a fee schedule basis.

13. In order to provide for the annual salaried officers and employees to whom this section applies who are not allocated to salary grades, performance advancements and payments in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments to the compensation which such officers and employees are otherwise entitled to receive. The director of the budget shall issue certificates which shall contain schedules of positions and the salaries thereof for which adjustments are made pursuant to the provisions of this subdivision, and a copy of each such certificate shall be filed with the state comptroller, the department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

14. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate for any reason.

§ 4. Additional compensation for annual salaried members of the security services collective negotiating unit who are employed within the state department of corrections and community supervision and who are designated as peace officers, pursuant to section 2.10 of the criminal procedure law, in recognition of pre-shift briefing.

1. In recognition of the general requirement for these unit members to assemble for briefing prior to the commencement of duties, where and to the extent a determination made by the public arbitration panel so provides on behalf of such unit members to whom the provisions of this

subdivision apply on behalf of each such employee except such employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, such members shall continue to receive additional compensation in recognition of pre-shift briefing.

2. Each such unit member to whom the provisions of this subdivision apply, shall continue to receive a minimum of eight dollars for each day while in payroll status when such pre-shift briefing time is not otherwise compensated at a greater amount at the one and one-half times the hourly rate of pay provided for by subdivision 1 of section 134 of the civil service law and the rules and regulations of the director of the budget. Each such unit member to whom the provisions of this subdivision apply, subject to the provisions of this subdivision, shall continue to receive a minimum of forty dollars per week in addition to base pay. No payments authorized pursuant to this subdivision shall be made to an employee who is in non-pay status for that day.

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

§ 5. Locational compensation for certain members of the security services collective negotiating units. 1. Pursuant to the terms of an agreement covering certain members of the security services unit who are eligible for interest arbitration, and notwithstanding any inconsistent provision of law, rule or regulation to the contrary, all members of this unit who are employed by the state department of corrections and community supervision as peace officers pursuant to section 2.10 of the criminal procedure law, and are annual salaried employees 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 comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau, or Suffolk, shall receive locational compensation according to the following schedule:

	Orange/Putnam/Dutchess	NYC/Rock/Nassau/Suffolk/West
April 1, 2009	$1,231	$3,306
April 1, 2010	$1,280	$3,438
April 1, 2011	$1,280	$3,438
April 1, 2012	$1,280	$3,438
April 1, 2013	$1,280	$3,438
April 1, 2014	$1,280	$3,438
April 1, 2015	$1,280	$3,438

2. The locational compensation as set out in all subdivisions of this section shall be in addition to and shall not be a part of an employee's basic annual salary, and shall not affect or impair any performance advance or other rights or benefits to which an employee may be entitled by law, provided, however, that locational compensation shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. This payment will be equally divided over the 26 payroll periods in each fiscal year.

§ 6. Inconvenience pay. Pursuant to the terms of an agreement covering certain members of the security services unit who are eligible for

interest arbitration and who are employed by the state department of corrections and community supervision and are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective April 1, 2009, the inconvenience pay paid to annual salaried 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 corrections and community supervision, shall increase by three percent to one thousand eight hundred fifty-four dollars per year to be paid in equal bi-weekly installments for work on such shift. Effective April 1, 2010, this amount shall be increased by four percent to one thousand nine hundred twenty-eight dollars. Effective April 1, 2014, this amount shall be increased by two percent to one thousand nine hundred sixty-seven dollars. Effective April 1, 2015, this amount shall be increased by two percent to two thousand six dollars.

Effective April 1, 2009, the inconvenience pay paid to annual salaried 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 corrections and community supervision shall be increased by three percent to nine hundred twenty-seven dollars per year to be paid in equal bi-weekly installments for work on such shift. Effective April 1, 2010, this amount shall be increased by four percent to nine hundred sixty-four dollars. Effective April 1, 2014, this amount shall be increased by two percent to nine hundred eighty-three dollars. Effective April 1, 2015, this amount shall be increased by two percent to one thousand three dollars. Such unit members to whom the provisions of this section apply who are 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 agreement covering members of the security services collective negotiating unit who are employed within the state department of corrections and community supervision and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law and notwithstanding any other provision of law, effective March 31, 2011, such annual salaried unit members to whom the provisions of this section apply shall be paid an expanded duty pay in the amount of two thousand six hundred dollars per year. Payment for such compensation shall be equally divided over the 26 payroll periods of a fiscal year. Such compensation pursuant to this section shall be included as compensation for overtime and retirement purposes.

§ 8. During the period April 1, 2012 through March 31, 2016, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law which shall, after March 31, 2012, with the amounts available therefor, study and make recommendations concerning major issues of, health benefits, employee assistance, performance evaluation, education and training, quality of work life and provide for the implementation of the terms of agreements of such committee.

§ 9. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agreement between the state and the employee organization representing the

collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law.

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

§ 11. The salary increases, benefit modifications, and any other modifications to terms and conditions of employment provided for by this act for state employees in the collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to such negotiating units collectively negotiated agreements, ratified by the membership, which provide for such increases and modifications.

§ 12. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any members of the security services collective negotiating unit established pursuant to article 14 of the civil service law who are annual salaried employees and who are employed by the state department of corrections and community supervision and are peace officers pursuant to section 2.10 of the criminal procedure law, provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section thirteen of this act.

§ 13. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act, or of any other law to the contrary, pending payment pursuant to this act of the basic annual salaries and other compensation to incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2009, until the time when basic annual salaries and other compensation are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received therefor in accordance with the terms of the agreement between the employee organization representing such members and the state. The amounts paid under this act shall count

as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which it is paid. Notwithstanding any provision of law, rule or regulation to the contrary, no member of the security services unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the agreement covering employees in the security services unit.

§ 14. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, 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 make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2012 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether they occurred prior to or during the state fiscal year commencing April 1, 2012.

§ 15. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section, or so much thereof as may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning April 1, 2012 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. Moreover, the amounts appropriated as non-personal service may be suballocated to any state department or agency as needed. The monies hereby appropriated are available for payment of any liabilities or obligations incurred prior to April 1, 2012 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2012. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2012. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account 003

PERSONAL SERVICE

Personal service - regular 313,697,000

NONPERSONAL SERVICE

Fringe benefits 23,008,000
Labor Management Committees 279,000

1 Employee assistance program 200,000
2 Joint committee on health benefits 165,000
3 Contract administration 200,000
4 Employee Benefit Fund 779,000
5 Employee Training and Development 159,000
6 Organizational alcoholism program 156,000
7 Labor Management Training 100,000
8 Family Benefits 431,000
9 Legal Defense Fund 150,000

10 Special Revenue Federal
11 Federal Operating Grants Fund

12 PERSONAL SERVICE
13 Personal service - regular 64,000

14 NONPERSONAL SERVICE

15 Fringe benefits 33,000

16 § 16. This act shall take effect immediately and shall be deemed to
17 have been in full force and effect on and after April 1, 2009.

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 corrections and community supervision and are designated as peace officers pursuant to section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in a new paragraph g of subdivision 1 of section 130 of the civil service law.

STATE OF NEW YORK

9116--A

IN ASSEMBLY

January 25, 2012

Introduced by M. of A. MARKEY, WEISENBERG, SWEENEY, STEVENSON, ZEBROWSKI, GUNTHER, SCHIMEL, BENEDETTO, ORTIZ, COLTON, HIKIND, BRONSON, BOYLAND, JAFFEE, COOK, SCARBOROUGH, LAVINE, M. MILLER, ROBERTS -- Multi-Sponsored by -- M. of A. AUBRY, CUSICK, McENENY, REILLY, ROBINSON -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

Section 1. Subdivision c of section 208-f of the general municipal law, as amended by chapter 161 of the laws of 2011, is amended to read as follows:

c. Commencing July first, two thousand [~~eleven~~] **twelve** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~173.2%~~] **181.4%**
1978	[~~165.2%~~] **173.2%**
1979	[~~157.5%~~] **165.2%**
1980	[~~150.0%~~] **157.5%**
1981	[~~142.7%~~] **150.0%**
1982	[~~135.7%~~] **142.7%**
1983	[~~128.8%~~] **135.7%**
1984	[~~122.1%~~] **128.8%**
1985	[~~115.7%~~] **122.1%**
1986	[~~109.4%~~] **115.7%**

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

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1987	[~~103.3%~~] **109.4%**
1988	[~~97.4%~~] **103.3%**
1989	[~~91.6%~~] **97.4%**
1990	[~~86.0%~~] **91.6%**
1991	[~~80.6%~~] **86.0%**
1992	[~~75.4%~~] **80.6%**
1993	[~~70.2%~~] **75.4%**
1994	[~~65.3%~~] **70.2%**
1995	[~~60.5%~~] **65.3%**
1996	[~~55.8%~~] **60.5%**
1997	[~~51.3%~~] **55.8%**
1998	[~~46.9%~~] **51.3%**
1999	[~~42.6%~~] **46.9%**
2000	[~~38.4%~~] **42.6%**
2001	[~~34.4%~~] **38.4%**
2002	[~~30.5%~~] **34.4%**
2003	[~~26.7%~~] **30.5%**
2004	[~~23.0%~~] **26.7%**
2005	[~~19.4%~~] **23.0%**
2006	[~~15.9%~~] **19.4%**
2007	[~~12.6%~~] **15.9%**
2008	[~~9.3%~~] **12.6%**
2009	[~~6.1%~~] **9.3%**
2010	[~~3.0%~~] **6.1%**
2011	[~~0.0%~~] **3.0%**
2012	**0.0%**

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 161 of the laws of 2011, is amended to read as follows:

c. Commencing July first, two thousand [~~eleven~~] **twelve** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[~~173.2%~~] **181.4%**
1978	[~~165.2%~~] **173.2%**
1979	[~~157.5%~~] **165.2%**
1980	[~~150.0%~~] **157.5%**
1981	[~~142.7%~~] **150.0%**
1982	[~~135.7%~~] **142.7%**
1983	[~~128.8%~~] **135.7%**
1984	[~~122.1%~~] **128.8%**
1985	[~~115.7%~~] **122.1%**
1986	[~~109.4%~~] **115.7%**
1987	[~~103.3%~~] **109.4%**
1988	[~~97.4%~~] **103.3%**
1989	[~~91.6%~~] **97.4%**
1990	[~~86.0%~~] **91.6%**
1991	[~~80.6%~~] **86.0%**
1992	[~~75.4%~~] **80.6%**
1993	[~~70.2%~~] **75.4%**
1994	[~~65.3%~~] **70.2%**

1995	[~~60.5%~~]	**65.3%**
1996	[~~55.8%~~]	**60.5%**
1997	[~~51.3%~~]	**55.8%**
1998	[~~46.9%~~]	**51.3%**
1999	[~~42.6%~~]	**46.9%**
2000	[~~38.4%~~]	**42.6%**
2001	[~~34.4%~~]	**38.4%**
2002	[~~30.5%~~]	**34.4%**
2003	[~~26.7%~~]	**30.5%**
2004	[~~23.0%~~]	**26.7%**
2005	[~~19.4%~~]	**23.0%**
2006	[~~15.9%~~]	**19.4%**
2007	[~~12.6%~~]	**15.9%**
2008	[~~9.3%~~]	**12.6%**
2009	[~~6.1%~~]	**9.3%**
2010	[~~3.0%~~]	**6.1%**
2011	[~~0.0%~~]	**3.0%**
2012	**0.0%**	

§ 3. This act shall take effect July 1, 2012.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2012.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately $390,000 above the approximately $8.7 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained.

This estimate, dated January 6, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-43, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW:

With respect to the City of New York (the "City"), this proposed legislation would amend General Municipal Law ("GML") Section 208-f.c to increase certain Special Accidental Death Benefits ("SADB") for line-of-duty widows/widowers and/or children of former uniformed employees of the City and the New York City Health and Hospitals Corporation and

certain former employees of the Triborough Bridge and Tunnel Authority who were members of certain New York City Retirement Systems ("NYCRS").

In addition, the proposed legislation would amend Retirement and Social Security Law Section 361-a.c to cover such SADB for certain survivors of deceased members of the New York State and Local Police and Fire Retirement System.

The Effective Date of the proposed legislation would be July 1, 2012.

IMPACT ON BENEFITS - SADB RECIPIENTS: With respect to the NYCRS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

* New York City Employees' Retirement System ("NYCERS"), or
* New York City Police Pension Fund ("POLICE"), or
* New York City Fire Department Pension Fund ("FIRE"), and

who were employed by one of the following employers in certain positions:

* New York City Police Department - Uniformed Position,
* New York City Fire Department - Uniformed Position,
* New York City Housing Authority - Uniformed Position,
* New York City Transit Authority - Uniformed Position,
* New York City Department of Correction - Uniformed Position,
* New York City - Uniformed Position as Emergency Medical Technician ("EMT"),
* New York City Health and Hospitals Corporation - Uniformed Position as EMT, or
* Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the basic SADB is defined to equal:

The salary of the deceased member at the date of death (or, in certain instances, a greater salary based on rank or other status) ("Final Salary"), less:

* Any death benefit is adjusted by any Supplementation or Cost-of-Living Adjustment ("COLA") paid by the NYCRS to the member's survivors,
* Any death benefit paid by Social Security to the member's survivors, and
* Any Worker's Compensation benefit paid to the member's survivors.

The SADB is paid to the deceased member's surviving widow or widower, if alive. If the widow/widower is no longer alive, then the SADB is paid to the deceased member's children until age eighteen or while attending school until age twenty-three.

The GML also provides that the SADB is subject to escalation based on the calendar year of death of the member. Each year since Calendar Year 1977 the SADB has been increased by an additional cumulative, incremental percentage of Final Salary. For example, for a covered member deceased in Calendar Year 1979, the SADB cumulative percentage is 157.5% of Final Salary as of July 1, 2011.

Under the proposed legislation, the additional, incremental percentage of Final Salary to be effective July 1, 2012 would be 3.0%.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS ("APVB"): With respect to NYCRS members under the actuarial assumptions and methods as noted herein, the enactment of this proposed legislation would increase APVB by approximately $25.4 million as of June 30, 2012.

FINANCIAL IMPACT - EMPLOYER PAYMENTS: With respect to the NYCRS, as these SADB are provided on a pay-as-you-go basis, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately $2.4 million.

Note: These additional payments represent an increase of approximately 4.6% in the estimated SADB payments during the first year.

The SADB payments are made by the NYCRS who are reimbursed by the City who is then reimbursed by the State of New York.

OTHER COSTS: The enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of NYCERS, POLICE, FIRE, the employers and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census data for such widows, widowers and children provided by the NYCRS and adjusted, as necessary, to prepare the computations and for consistency with other data.

The following table shows, by Retirement System, the number of deceased members with eligible survivors as of June 30, 2011 and the estimated annual SADB rate prior to the increase proposed to be effective as of July 1, 2012.

Table 1
SADB Census Data as of June 30, 2011
($ Millions)

Retirement System	Number of Deceased Members with Eligible Survivors	Annual SADB Rate Prior to Proposed July 1, 2012 Increase
NYCERS	31	$ 1.3
POLICE	306	15.0
FIRE	**614**	**35.9**
Total	951	$52.2

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB have been computed based on the actuarial assumptions and methods in effect for the June 30, 2010 (Lag) actuarial valuations of NYCERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2012 employer contributions, including an Actuarial Interest Rate ("AIR") assumption of 8.0% per annum.

The demographic actuarial assumptions were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2006 and the AIR assumption was enacted by the New York State Legislature and Governor and continues in effect.

POTENTIAL CHANGES IN ACTUARIAL ASSUMPTIONS AND METHODS: The impact of enactment of the proposed legislation provided in this Fiscal Note has been based on the current actuarial assumptions and methods used to determine employer contributions to the NYCRS.

However, based, in part, on the results of experience studies mandated by the New York City Charter, the Actuary has proposed new packages of actuarial assumptions and methods for use in determining employer contributions to NYCRS for Fiscal Year 2012 and after. Therefore, current actuarial assumptions no longer represent the Actuary's best estimates of future experience.

It is anticipated that the APVB determined under the proposed new packages of actuarial assumptions and methods will increase compared with the APVB determined under current actuarial assumptions and methods.

Finally, the actuarial assumptions currently employed for determining employer contributions do not represent risk-adjusted, economic evaluations. Such risk-adjusted, economic evaluations could, for certain

components of the proposed legislation, produce results that differ significantly from the results shown herein.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion continued herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2012 Legislative Session. It is Fiscal Note 2012-05, dated February 29, 2012, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and the New York City Fire Department Pension Fund.

STATE OF NEW YORK

10017--A

IN ASSEMBLY

May 1, 2012

Introduced by M. of A. RUSSELL -- Multi-Sponsored by -- M. of A. BLANKENBUSH -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize persons who are members or retirees of the New York State and Local Employees' Retirement System pursuant to administrative agreements between the Jefferson County Industrial Development Agency and certain development corporations or centers to continue to receive credit for service

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

1 Section 1. Notwithstanding any other provision of law to the contra-
2 ry, any person who is or has been a member of the New York State and
3 Local Employees' Retirement System and is rendering service or has
4 rendered service to the Jefferson County Job Development Corporation,
5 the Jefferson County Local Development Corporation, the Jefferson County
6 Agricultural Development Corporation, the Watertown Industrial Center
7 Local Development Corporation, the Watertown Local Development Corpo-
8 ration, The Economic Development Corporation of the Village of Carthage,
9 or The Carthage Industrial Development Corporation pursuant to adminis-
10 trative service agreements, contract or other arrangements entered into
11 between the Jefferson County Industrial Development Agency and such
12 development corporation shall be eligible to receive and retain credit
13 for service previously granted by the retirement system for all such
14 service rendered prior to August 1, 2012, provided, however, that the
15 Jefferson County Industrial Development Agency and the person who is
16 rendering or has rendered service to the Jefferson County Job Develop-
17 ment Corporation, the Jefferson County Local Development Corporation,
18 the Jefferson County Agricultural Development Corporation, the Watertown
19 Industrial Center Local Development Corporation, the Watertown Local
20 Development Corporation, The Economic Development Corporation of the
21 Village of Carthage, or The Carthage Industrial Development Corporation

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

LBD15233-07-2

1 shall make all required employer and employee contributions to the New
2 York State and Local Employees' Retirement System.
3 § 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow current and retired employees of the Jefferson County Industrial Development Agency (JCIDA) to retain service credit and membership status and obtain additional service credit through July 31, 2012 in the New York State and Local Employees' Retirement System (ERS) based upon services rendered to the Jefferson County Job Development Corporation, the Jefferson County Local Development Corporation, the Jefferson County Agricultural Development Corporation, the Watertown Industrial Center Local Development Corporation, the Watertown Local Development Corporation, The Economic Development Corporation of the Village of Carthage or The Carthage Industrial Development Corporation pursuant to arrangements entered into with the JCIDA. The JCIDA has paid into the ERS for all such service on behalf of these individuals.

If this bill is enacted, there would be no additional annual costs.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated June 15, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-162, prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

9889--A

IN ASSEMBLY

April 20, 2012

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 735 of the laws of 2006, amending the retirement and social security law relating to permitting certain members of the New York state and local police and fire retirement system to receive a partial lump sum distribution upon retirement, in relation to the effectiveness thereof

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

Section 1. Section 2 of chapter 735 of the laws of 2006, amending the retirement and social security law relating to permitting certain members of the New York state and local police and fire retirement system to receive a partial lump sum distribution upon retirement, is amended to read as follows:

§ 2. This act shall take effect April 1, 2008 [~~**and shall expire April 1, 2013 when upon such date the provisions of this act shall be deemed repealed**~~].

§ 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will repeal the expiration date of April 1, 2013 from Section 2 of Chapter 735 of the laws of 2006, thereby making the Partial Lump Sum option permanent for members of the New York State and Local Police and Fire System.

If this legislation is enacted during the 2012 legislative session, we anticipate that there will not be costs for the lump sum payments made on and after April 1, 2013 since the payments are determined on an actuarially equivalent basis.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

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

LBD15334-02-2

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated May 10, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-149 prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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Section II

Vetoed Legislation Affecting the New York State and Local Retirement System

STATE OF NEW YORK

5739--A

2011-2012 Regular Sessions

IN ASSEMBLY

February 28, 2011

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to providing three-quarters of pension for police officers and firefighters who contract methicillin resistant staphylococcus aureus

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

Section 1. The retirement and social security law is amended by adding a new section 363-ddd to read as follows:

§ 363-ddd. Impairments of health; presumption; Staph/MRSA. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any police officer or firefighter who is covered by the provisions of section three hundred sixty-three of this title and who contracts methicillin resistant staphylococcus aureus (MRSA) or Staph/MRSA will be presumed to have contracted such disease in the performance or discharge of his or her duties as the natural and proximate result of an accident and to be disabled from the performance of his or her duties unless the contrary be proven by competent evidence.

§ 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or Staph/MRSA will qualify them for an accidental disability retirement, unless the contrary be proven by competent evidence.

If this bill is enacted, we anticipate that few additional accidental disability retirements will be granted, and thus, the resulting costs will be negligible.

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

LBD09554-02-2

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated December 16, 2011, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-52, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

VETO MESSAGE - No. 154

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5739-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing three-quarters of pension for police officers and firefighters who contract methicillin resistant staphylococcus aureus"

NOT APPROVED

This bill would establish statutorily that police officers and firefighters who are enrolled in the New York State and Local Police and Fire Retirement System and contract methicillin resistant staphylococcus aureus ("MRSA") or Staph/MRSA would be presumptively eligible for an accidental disability retirement benefit that equals three-quarters of the employee's final average salary.

Retirement and Social Security Law Section 25, enacted as part of pension reform in 2012, mandates that the State pay for any such amendment to the retirement system and provide in statute for such costs. This bill fails to comply with this statutory mandate.

The bill is disapproved. (signed) ANDREW M. CUOMO

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Section III

Legislation Affecting Other New York Public Retirement Systems

STATE OF NEW YORK

9157--A

IN ASSEMBLY

January 31, 2012

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to the right of vested members to withdraw from the New York city teachers' retirement system

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

Section 1. Section 13-541 of the administrative code of the city of New York, as amended by chapter 854 of the laws of 1985, is amended to read as follows:

§ 13-541 Termination of membership; resignation, transfer or dismissal. **1.** Withdrawals from the retirement association shall be by resignation, by transfer, or by dismissal. Should a contributor resign from the position by virtue of which he or she is a contributor under the provisions of this chapter, or should he or she, upon transferring from such a position to another position in the city-service, fail to become a transferred-contributor as provided in section 13-523 of this chapter, his or her membership in such association shall cease except as provided in section 13-556 of this code and he or she shall be paid forthwith the full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings fund.

2. Notwithstanding any other provision of law to the contrary, any member of the retirement association subject to article fourteen or fifteen of the retirement and social security law who has permanently ceased teaching shall have the right to elect the return of his or her accumulated contributions and thereby terminate his or her membership in the retirement association without regard to the amount of service to his or her credit, provided a public employee retirement system in another state has certified in a manner satisfactory to the system that such member is a member of such other retirement system, has at least five years of retirement credit in such other system, and is eligible, upon the termination of his or her membership in the system, to obtain retirement credit in such other retirement system for the service which

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

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has been credited to his or her membership in the system. Upon refund of such accumulated contributions, any and all obligations of the retirement association to such member shall be totally discharged. The teachers' retirement board is authorized to adopt such rules and regulations as may be necessary to implement this subdivision.

§ 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Administrative Code of the City of New York ("ACNY") Section 13-541 to allow certain Tier III and Tier IV members of the New York City Teacher's Retirement System ("TRS") to withdraw their memberships from TRS under certain conditions.

For purposes of this Fiscal Note, the references herein to Tier IV include those TRS members who dates of membership are on or after April 1, 2012 (a.k.a., Tier VI members).

Specifically, this proposed legislation would permit a Tier III or Tier IV member of TRS who has permanently ceased teaching to elect the return of his or her accumulated member contributions and terminate his or her membership in TRS without regard to the amount of service to his or her credit.

As a condition necessary to this election, a Public Employee Retirement System ("PERS") in another state must certify in a manner satisfactory to TRS that such member is a member of such other PERS, has at least five years of retirement credit in such other PERS, and is eligible, upon the termination of his or her membership in TRS, to obtain retirement credit in such other PERS for the service which has been credited to his or her membership in TRS.

Upon refund to the member of his or her accumulated member contributions, any and all obligations of TRS to the member would be totally discharged.

The TRS Retirement Board would be authorized to adopt such rules and regulations as may be necessary to implement this subdivision.

Note: One of the consequences to a member withdrawing from TRS would be to eliminate the opportunity of the member to receive any Other Postemployment Benefits ("OPEB") from the City of New York or other former employer participating in TRS.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUE OF BENEFITS AND EMPLOYER CONTRIBUTIONS: For most members likely to elect the provisions of this proposed legislation, enactment would result in a modest reduction in the Actuarial Present Value of Benefits ("APVB") and employer contributions to TRS.

OTHER COSTS: The enactment of this proposed legislation would result in some administrative expenses for TRS.

The enactment of this proposed legislation would, for certain members, result in a reduction in the obligations for OPEB benefits from their former employers.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2012 Legislative Session. It is Fiscal Note 2012-11, dated May 24, 2012 prepared by the Chief Actuary of the New York City Teachers' Retirement System.

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Section IV

Vetoed Legislation Affecting Other New York Public Retirement System

STATE OF NEW YORK

9869

IN ASSEMBLY

April 19, 2012

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to provision of health insurance and supplemental benefits to retirees of the New York city off-track betting corporation; and making an appropriation therefor

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

1 Section 1. Legislative intent. The state of New York has an interest
2 in the welfare of its citizens, and the general welfare of its senior
3 citizens is a matter of great public concern to the state. On December
4 7, 2010, the New York city off-track betting corporation, a public bene-
5 fit corporation created in 1973 pursuant to article VI of the racing,
6 pari-mutual wagering and breeding law ceased operations. The legislature
7 finds that, since its inception, off-track betting in the city of New
8 York provided the state with significant revenues to support government
9 operations. The legislature further finds that after the governor issued
10 an executive order to allow the New York city off-track betting corpo-
11 ration to file for bankruptcy pursuant to Chapter 9 of the United States
12 Bankruptcy Code, the unions representing the employees of such off-track
13 betting corporation worked tirelessly to assist the corporation in its
14 restructuring efforts, including two collective bargaining agreements
15 wherein the employees made significant concessions, including voluntary
16 separation from the corporation, in order to save the corporation and
17 assist their fellow employees.
18 The legislature further finds that employees retired from such corpo-
19 ration, after having received the assurance that they and their depen-
20 dants would receive health insurance and supplemental benefit coverage
21 under their collective bargaining representative's welfare benefit
22 program. After the closure of the New York city off-track betting corpo-
23 ration, those benefits ceased.
24 The legislature further finds that cessation of these benefits to
25 public employees who have devoted their working lives to service of a
26 state public benefit corporation works a great injustice and a severe

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

LBD15234-02-2

hardship to the retirees and their dependants, thereby putting their health and very lives in danger.

The legislature further finds that by honoring the commitment to provide health insurance and supplemental benefits to retirees of the New York city off-track betting corporation, the state reaffirms its commitment to ameliorate the deleterious impact which the closure of such corporation has had upon the citizens of the state.

§ 2. Subdivision 4 of section 606 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 115 of the laws of 2008, is amended to read as follows:

4. All [~~**employees and officers**~~] **present and future retirees** of the corporation in classes or positions whose incumbents, in equivalent classes or positions of the city, are eligible, as of the effective date hereof, to participate in, and receive benefits from any city authorized health insurance or welfare benefit program, shall be eligible to participate in, and receive benefits from any such health insurance or welfare benefit program; provided, however, that the [~~**corporation**~~] **state** shall reimburse the city or its designee for the actual cost of benefits under this subdivision.

§ 3. The sum of seven million dollars ($7,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of civil service out of any moneys in the state treasury in the general fund to the credit of the aid to localities account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the president of the civil service commission in the manner prescribed by law.

§ 4. This act shall take effect immediately.

VETO MESSAGE - No. 174

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 9869, entitled:

"AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to provision of health insurance and supplemental benefits to retirees of the New York city off-track betting corporation; and making an appropriation therefor"

NOT APPROVED

This bill would require New York State to reimburse New York City for the cost of health insurance and welfare benefit programs that were to be provided to several hundred retirees of New York City's Off-Track Betting Corporation ("OTB") through New York City's employee health insurance plan. As a result of OTB's bankruptcy several years ago, its retirees lost those benefits.

The bill does not identify a source of funds to finance this proposal and fails to take into account the State's financial plan. The budget process begins in the next few weeks. The expenditure of money to serve this worthy goal should be considered as part of that process and should not be added outside the State's fiscal plan.

The bill is disapproved. (signed) ANDREW M. CUOMO

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