

NEW YORK STATE
A S S E M B L Y

SHELDON SILVER, SPEAKER



committee on
Government Employees
Peter J. Abbate, Jr., Chairman



Annual Report 2010

Annual Report
of the
Assembly Standing Committee on
Governmental Employees
Peter J. Abbate, Jr., Chairman
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Alec Brook-Krasny
William Colton
Michael J. Cusick
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John J. McEneny
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Nancy Calhoun
David R. Townsend

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Jude Raphael, Senior Analyst
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Molly McDonald, Program & Counsel Secretary



December 15, 2010

Honorable Sheldon Silver
Speaker, New York State Assembly
932 Legislative Office Building
Albany, New York 12248

Dear Speaker Silver,

I am pleased to submit the 2010 Annual Report of the Assembly Committee on Governmental Employees.

My priority as Chairman of the Assembly Governmental Employees Committee has been to support legislation to provide benefits that improve the working conditions for our state, county and city work forces and to ensure that these benefits are fiscally responsible to the taxpayers of New York.

This annual report will provide greater details on the accomplishments and report on the various other proposals the Committee considered this year.

I thank all the committee members and staff for their dedication and attention to the needs of our State's public employees. Additionally, I thank the public employee unions and their representatives and the many government officials whose input on legislation was, and is, invaluable.

I thank you for your guidance and support which were instrumental to the accomplishments of the Committee during the 2010 Legislative Session.

Sincerely,

Peter J. Abbate, Jr.
Member of Assembly

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Summary

The Assembly Standing Committee on Governmental Employees is responsible for legislation pertaining to civil service requirements and regulations, and to public pensions and the public pension systems. Proposals relating to the establishment of pension benefits, qualifications of public employees, disciplinary proceedings, the right to organize collective bargaining units, and ratifying collective bargaining agreements are examples of civil service legislation pertaining to the governance of the public employee retirement systems in the State and New York City as well as changes to pension benefits.

During the 2010 Session, 418 legislative proposals were referred to the Committee. The Committee reported 76 bills. Of those proposals, 24 became law and 17 were vetoed.

2010 CHAPTERS

Early Retirement Incentive

Chapter 105 – A.11144 (Abbate) / S.7909 (Savino) In 2010, extenuating fiscal circumstances led to the creation of a temporary retirement incentive program for certain state employees and other public employees to assist in streamlining the workforce while also achieving cost savings. This applied to eligible members of the New York State and Local Employees Retirement System; the New York City Employees Retirement System; the New York State Teachers Retirement System; the New York City Teachers Retirement System; and the New York City Board of Education Retirement System.

Special Accidental Death Benefits Increase for Police and Fire

Since 1978, the Legislature has passed and the Governor has signed into law a cost-of-living increase and a one-year escalation for all New York State widows and widowers of police officers and firefighters killed in the performance of duty. The intent of the original law was to increase their benefits to an amount that would reflect the impact of inflation. However, the law did not provide for any new cost-of-living increase after July 1, 1979.

Since that date, the cost of living has increased well over 3% each year, including double-digit inflation, and these widows and widowers are not receiving adequate benefits. While this legislation does not totally cover the present inflation spiral, it at least provides increased relief. As in previous legislation, there is no cost to the localities as the State would reimburse them fully for this small increase.

Chapter 439 – A.9914-A (Markey) / S.6879-A (Savino) provides a 3% cost-of-living increase for fiscal year 2010-11 to the survivors of police officers and fire fighters who were killed in the line of duty.

Employer Contributions to the Common Retirement Fund

Chapter 57 – A.9710-D / S.6610-C (Budget) As part of the 2010 Budget, legislation was enacted to establish a program that will provide the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System (Common Retirement Fund) with the option to amortize a portion of their bill when employer contribution rates rise above certain levels. The

amortization will be over a ten year period and the rate of interest will be determined by the Comptroller.

Self-Insured NYSHIP

Chapter 56 – A.9706-C / S.6606-B (Budget) allows the New York State Health Insurance Program (NYSHIP) the option to self-insure any, or all, of the State’s health insurance plan. By allowing NYSHIP to self-insure, the state will save on paying risk fees to insurance companies.

Medicare Part B

Chapter 56 – A.9706-C / S.6606-B (Budget) allows employee and retiree contributions to the Health Insurance Fund to be adjusted for Medicare Part B. Previously, the State reimbursed 100% of the cost for individual and family coverage. This chapter would reduce the State reimbursement to 90% and 75%, respectively. The annual premium will be incorporated into the overall cost of the Empire Plan and HMOs. Annually recurring savings of \$30 million are anticipated.

SERB/PERB Consolidation

Chapter 56 – A.9706-C / S.6606-B (Budget) abolishes the State Employee Relations Board (SERB) and transfers responsibilities for providing labor mediation for the private sector to the Public Employee Relations Board (PERB).

Minority and Women-Owned Business Enterprises

Chapter 171 – A.9976-C (Peoples-Stokes) / S.6888-C (Hassell-Thompson) Legislation was enacted to create the New York State Emerging Manager and Minority and Women-Owned Business Enterprises (MWBEs) financial services strategy in the retirement and Social Security, Education and Workers’ Compensation Law in order to increase the inclusion of MWBEs in certain investment and financial matters of New York State. This legislation authorizes and encourages New York’s Common Retirement Fund, State Insurance Fund, Deferred Compensation and Teachers’ Retirement System to adopt the strategy. The Committee will continue to analyze the impact this chapter has on the Deferred Compensation Plan and other affected systems.

Examination Credits

Chapter 555 – A.10018 (Abbate) / S.7075 (Savino) This chapter provides an additional 10 points on competitive civil service exams to children of uniformed Emergency Medical Technicians who were employed by the City of New York or by the New York City Health and Hospitals Corporation and killed in the line of duty during the World Trade Center attack on September 11, 2001.

Improved Death Benefit

Chapter 525 – A.10753 (Stirpe) / S.7544-A (Valesky) This chapter allows state police officers to receive an improved death benefit if they die without 20 years of service but with enough vacation and sick time to reach 20 years.

Re-openers of Local 20-Year Retirement Plans

The following laws permit localities to re-open the optional 20-year retirement plans to police officers and firefighters who, through no fault of their own, were not included in those plans. The locality indicated below, submitted a home rule message to the Legislature and will be responsible for all costs associated with the re-opening of the retirement plan.

Chapter 520 – A.6248B (Calhoun) / S.6984 (Larkin) provides police officer Kenneth M. Byrnes with a 20 year retirement plan by allowing the town of Montgomery to elect to reopen the provisions of the plan.

Chapter 337 – A.8076-A (Oaks) / S.4194-A (Nozzolio) provides police officers John Flock and Scott VanDuyne with a 20 year retirement plan by allowing the village of Lyons to elect to reopen the provisions of the plan.

Chapter 514 – A.8731-A (Magee) / S.5775-A (Seward) provides police officer Douglas W. Brenner with a 20 year retirement plan by allowing the city of Oneonta to elect to reopen the provisions of the plan.

Chapter 517 – A.9182-B (Latimer) / S.6152-B (Oppenheimer) provides police officers Scott Fraioli and Dominick Lanza with a 20 year retirement plan by allowing the village of Mamaroneck to elect to reopen the provisions of the plan.

Chapter 496 – A.9913 (Crouch) / S.6813 (Libous) provides police officers Sean Crouse and Paul Buttacovoli with a 20 year retirement plan by allowing the village of Port Dickinson to elect to reopen the provisions of the plan.

Chapter 497 – A.9947 (Alessi) / S.6861 (Lavalle) provides police officers William Bianco and Eric Lipinsky with a 20 year retirement plan by allowing the town of Riverhead to elect to reopen the provisions of the plan.

Chapter 500 – A.10268 (Townsend) / S.6986 (Griffo) provides police officers Christine M. Griffin, Horace T. Knight, Pete J. Cania and Wayne R. Smoulcey with a 20 year retirement plan by allowing the town of Kirkland to elect to reopen the provisions of the plan.

Chapter 521 – A.11165 (Calhoun) / S.7182-A (Larkin) provides police officers Patricia Willard, Jill Nye, Seth Armstrong and Michael Lug with a 20 year retirement plan by allowing the village of Cornwall-on-Hudson to elect to reopen the provisions of the plan.

Appendix A

ALL BILLS VETOED BY THE GOVERNOR IN 2010

A.4395 Canestrari	Would include SUNY police officers in provisions allowing their transfer to other police forces or departments.	Veto 6773
A.6336 Destito	Would extend binding arbitration procedures to resolve impasses on compensation related issues to members of the security services and security supervisors negotiating units who are not police or peace officers.	Veto 7
A.7170-A Abbate	Would provide that any employee of the New York City Health and Hospitals Corporation, in a title in the non-competitive class, who has completed at least one year (currently at 5 years) of continuous service in his or her title, will be entitled to a hearing before being fired.	Veto 6724
A.7171-A Abbate	Would provide binding arbitration to Suffolk County probation officers in the event of an impasse during collective bargaining negotiations.	Veto 6710
A.7173 Abbate	Would require a hearing be held prior to removal or other disciplinary action in the case of BCI investigators or senior investigators, or other commissioned or non-commissioned officers in the division of state police who have held their positions for at least three consecutive years.	Veto 14
A.7282-A Abbate	Would extend, until 1/1/12, the period of employment used to calculate a reduced retirement age for certain members of NYCERS who are employed as Triborough Bridge and Tunnel Authority employees.	Veto 6723
A.8509-A Abbate	Would allow certain employees of the Department of Correctional Services and the Office of Mental Health to defer up to five vacation days per year and receive the value of those days in a lump-sum payment at the time of retirement.	Veto 6726
A.9724-A Lancman	Would add a new subdivision to the State Workforce Injury Reduction Act that would require each state agency referenced in the annual report to prepare a written action plan for reducing injuries within 30 days.	Veto 6828
A.9925 Gabryszak	Would extend to police officers and aircraft rescue firefighters of Niagara Falls International Airport the use of binding arbitration to resolve impasses during collective negotiation of compensation-related matters.	Veto 3

A.9943 Abbate	Would require that health insurance benefits for a public employee injured or taken ill in the performance of duty continue to be provided to such employee, as well as to his or her spouse and dependents.	Veto 6730
A.9950 Cahill	Would allow Kingston to amortize the cost of a 2009 retirement incentive.	Veto 6805
A.10054-A Canestrari	Would authorize the Town of North Greenbush to re-open the 20-year retirement plan, authorized by RSSL §384-d, for certain police officers.	Veto 6815
A.10067 Abbate	Would provide that civil service positions previously classified in competitive class cannot be re-classified into non-competitive or exempt class.	Veto 6712
A.10068 Abbate	Would allow certain employees of SUNY, who were hired between 1/1/94 and 12/31/00, to transfer their membership from the Optional Retirement Program to NYSLERS.	Veto 6732
A.10154 Abbate	Would preclude the revocation of pensions of New York City police officers and firefighters who are tiers 1 or 2, in the event they are discharged or dismissed from employment after 20 years of service.	Veto 6833
A.10239-A Abbate	Would require the Port Authority of New York and New Jersey to designate any permanent police officer, who performs the duties of a detective for a cumulative period of 18 months, as a permanent detective, and to pay him/her a salary commensurate with that designation.	Veto 6827
A.11442-A Abbate	Would create a retirement incentive for employees who worked at the Charles Poletti Power Project in certain, limited, group of titles.	Veto 6770

Appendix B

ALL BILLS THAT PASSED THE ASSEMBLY ONLY IN 2010

A.1119 Destito	Would make it a discriminatory practice for public employers to compensate public employees of different sexes differently for work that is of comparable worth.
A.4101 Abbate	Would provide binding arbitration for the resolution of collective bargaining impasses to court reporters, court officers, and other court employees in the Ninth Judicial District, Nassau and Suffolk Counties, and New York City.
A.4104 Abbate	Would provide 10 additional points on competitive civil service exams to children and siblings of uniformed sanitation members who were killed in the line of duty on September 11, 2001.
A.4294 Abbate	Would make it an improper employer practice for a county legislature which has allocated funds to finance the operation of a community college to reject an agreement negotiated by an employee organization representing the community college employees when the agreement can be implemented with the use of such funds.
A.6712 Rosenthal	Would compensate employees in state service equally for work of comparable value by eliminating wage inequality in job titles having been segregated by sex, race or national origin.
A.7511-A Thiele	Would repeal the law that currently requires town of Southampton police officers to retire at age 55, regardless of whether they have completed 20 years of service (the amount of service required for full pension benefits); would permit the town of Southampton the option of allowing a police officer to complete 20 years of service if he or she reaches age 55 and has not yet attained 20 years of service.
A.8507 Abbate	Would make Town Law consistent with Civil Service Law and Village Law by limiting the period of time (to 30 days) that an employer may suspend the pay of a police officer who is awaiting a hearing on disciplinary charges.

2010 SUMMARY SHEET

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<u>Bills Reported With or Without Amendment</u>			
To Floor; not returning to Committee	8	0	8
To Ways and Means	49	0	49
To Codes	19	0	19
To Rules			
To Judiciary			
Total	76	0	76
<u>Bills having Committee Reference Changed</u>			
To Ways and Means	4	0	4
Total	4	0	4
<u>Senate Bills Substituted or Recalled</u>			
Substituted		9	9
Recalled		1	1
Total		10	10
<u>Bills Defeated in Committee</u>	0	0	0
<u>Bills Never Reported, Held in Committee</u>	80	0	80
<u>Bills Never Reported, Died in Committee</u>	231	10	241
<u>Bills Having Enacting Clauses Stricken</u>	7	0	7
<u>Motion to Discharge Lost</u>	0	0	0
TOTAL BILLS IN COMMITTEE	398	20	418
Total Number of Committee Meetings Held	8		