

PART X

Section 1. (a) On the first of April of every fourth year, commencing April 1, 2013, there shall be established for such year a commission on managerial or confidential state employee compensation to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for managerial or confidential state employees. In accordance with the provisions of this section, the commission shall:

- (i) examine the prevailing adequacy of pay levels and non-salary benefits received by managerial or confidential employees of the state and determine whether any of such pay levels warrant adjustment; and
- (ii) determine whether, for any of the four years commencing on the first of April of such years, following the year in which the commission is established, the annual salaries for the managerial or confidential employees of the state warrant adjustment.

In discharging its responsibilities under paragraphs (i) and (ii) of this subdivision, the commission shall take into account all appropriate factors including, but not limited to: the administrative withholding of managerial or confidential employee salary increases pursuant to chapter 10 of the laws of 2008; the overall economic climate; rates of inflation; changes in public-sector spending; the levels of compensation and non-salary benefits received by unionized state employees; the maintenance of or attainment of proper salary differential between supervisors and their subordinates; the levels of compensation and non-salary benefits received by professionals in government, and academia and private and nonprofit enterprise.

(b) The commission shall consist of seven members to be appointed as follows: three shall be appointed by the governor; one shall be appointed by the temporary president of the senate; one shall be appointed by the speaker of the assembly; one shall be appointed by the comptroller; and one shall be appointed by the Organization of NYS Management Confidential Employees. The governor shall designate the chair of the commission from among the members so appointed. Vacancies in the commission shall be filled in the same manner as original appointments. To the extent practicable, members of the commission shall have experience in one or more of the following: determination of executive compensation, human resource administration and financial management.

(c) The commission may meet, hold public hearings and shall have all the powers of a legislative committee pursuant to the legislative law.

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(d) The members of the commission shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

(e) No member of the commission shall be disqualified from holding any other public office or employment, nor shall he or she forfeit any such office or employment by reason of his or her appointment pursuant to this section, notwithstanding the provisions of any general, special or local law, regulation, ordinance or city charter.

(f) To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission, agency, office or public authority of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties pursuant to this section.

(g) The commission may request, and shall receive, reasonable assistance from state agency personnel as necessary for the performance of its functions.

(h) The commission shall make a report to the governor and the legislature of its findings, conclusions, determinations and recommendations, if any, not later than one hundred fifty days after its establishment. Each recommendation made to implement a determination pursuant to paragraph (ii) of subdivision (a) of this section shall have the force of law, and shall supersede inconsistent provisions of article 8 of the civil service law, unless modified or abrogated by statute prior to April first of the year as to which such determination applies.

(i) Upon the making of its report as provided in subdivision (h) of this section, each commission established pursuant to this section shall be deemed dissolved.

S 2. Notwithstanding the provisions of this act or of any other law, each increase in salary or compensation of any officer or employee provided by this act shall be added to the salary or compensation of such officer or employee 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, the payment of such salary increase pursuant to this section on a date prior thereto instead of on such effective date, shall not operate to confer any additional salary rights or benefits on such officer or employee.

S 3. The annual salaries as prescribed pursuant to this act for state employees designated managerial or confidential whenever adjusted pursuant to the provisions of this act, shall be rounded up to the nearest multiple of one hundred dollars.

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S2605D-2013: Enacts major components of legislation necessary to implement the public protection - general government budget for the 2013-14 state fiscal year

Same as: / Versions: [S2605-2013](#) [S2605A-2013](#) [S2605B-2013](#) [S2605C-2013](#) [S2605D-2013](#)

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Enacts major components of legislation into law that are necessary to implement the public protection and general government budget for the 2013-2014 state fiscal year; relates to adopting the national crime prevention and privacy compact; extends the effectiveness of various provisions of law; creates a new New York state gaming commission account; relates to reducing purse amounts paid from the VLT program and funds paid to the jockey's organization; relates to reforming the local government citizens re-organization empowerment grant program and the local government efficiency grant program; provides for the elimination of burdensome reporting requirements imposed on school districts and local governments; provides for the consolidation of certain information technology staff and services within the office of information technology services; relates to changing the composition of the workers' compensation board's practice committees and to permitting a single arbitrator process; relates to the collection of assessments for annual expenses and the investment of surplus or reserve; relates to the termination of payments into the aggregate trust funds; requires self-insured municipal groups and county treasurers to provide certain financial information to the workers' compensation board; authorizes the workers' compensation board and the dormitory authority to enter into a self-insured bond financing agreement; relates to the payment of benefits and to the assessment of expenses; increases discretionary thresholds for procurement of food commodities; includes school districts and boards of cooperative educational services in the intrastate mutual aid program; relates to emergency alerts; relates to present and future retirees eligibility to participate in and receive benefits from health and welfare benefit programs; establishes a special commission on compensation for state employees designated managerial or confidential, and providing for its powers and duties; relates to the commissioner of the department of corrections' power to permanently terminate the conjugal visit program, referred to as the family reunion program; relates to an ignition interlock device; provides additional aid and incentives for municipalities; relates to a public safety communications surcharge; directs the division of budget to deliver biweekly reports of all FEMA public assistance project worksheets; eliminates the earnings limitation for retired police officers employed as school resource officers.

Sponsor: [BUDGET](#) / **Committee:** [FINANCE](#)

Law Section: [Budget Bills](#) / **Law:** Amd Various Laws, generally

S2605D-2013 Actions

- Mar 20, 2013: PRINT NUMBER [2605D](#)
- Mar 20, 2013: AMEND (T) AND RECOMMIT TO FINANCE
- Mar 9, 2013: PRINT NUMBER [2605C](#)
- Mar 9, 2013: AMEND (T) AND RECOMMIT TO FINANCE
- Feb 22, 2013: PRINT NUMBER [2605B](#)
- Feb 22, 2013: AMEND (T) AND RECOMMIT TO FINANCE
- Feb 13, 2013: PRINT NUMBER [2605A](#)
- Feb 13, 2013: AMEND AND RECOMMIT TO FINANCE
- Jan 22, 2013: REFERRED TO FINANCE

S2605D-2013 Memo

BILL NUMBER:S2605

TITLE OF BILL: An act authorizing the governor to close correctional facilities; and providing for the repeal of such provisions upon expiration thereof (Part A); authorizing the urban development corporation, the office of general services and the department of corrections and community supervision to transfer and convey certain lands in the county of Bronx, city of New York, to the Thomas Mott Osborne Memorial Fund, Inc. (Part B); to amend the vehicle and traffic law, in relation to plea limitations; in relation to extending surcharges and the crime victim assistance fee for certain violations; in relation to enhanced penalties for multiple violations of the mobile phone and texting prohibitions; to amend the state finance law, in relation to certain payments to the state treasurer; and to repeal section 1101 of the vehicle and traffic law relating thereto (Part C); to amend the executive law, in relation to adopting the national crime prevention and privacy compact (Part D); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to making the provisions of such chapter permanent; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to making the provisions of such chapter permanent; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to making the provisions of such chapter permanent; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to making the provisions of such chapter permanent; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to making certain provisions of such chapter permanent; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and