

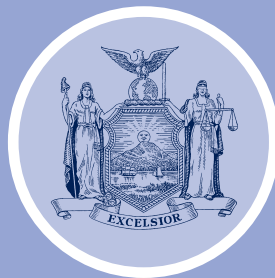


**NEW YORK STATE ASSEMBLY**

**A N N U A L**

**2 0 1 2**

**R E P O R T**



**Committee on  
Governmental Employees**

**Peter J. Abbate, Jr., Chairman**

**SHELDON SILVER, SPEAKER**



PETER J. ABBATE, JR.  
Assemblyman 49<sup>TH</sup> District  
Kings County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIRMAN  
Committee on  
Governmental Employees

COMMITTEES  
Aging  
Banks  
Consumer Affairs & Protection  
Labor

December 20, 2012

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 2012 Annual Report of the Assembly Committee on Governmental Employees.

My priority as Chairman of the Assembly Governmental Employees Committee has been to support legislation that improves the working conditions for our state, county and city workforces while ensuring that these benefits are provided for in a manner 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 has been, and is, invaluable.

I thank you for your guidance and support which were instrumental to the accomplishments of the Committee during the 2012 Legislative Session.

Sincerely,

Peter J. Abbate, Jr.  
Member of Assembly

**Annual Report**  
**of the**  
**Assembly Standing Committee on**  
**Governmental Employees**  
**Peter J. Abbate, Jr., Chairman**  
**Members of the Committee**

**Majority**

Jeffrion L. Aubry  
Alec Brook-Krasny  
William Colton  
Michael J. Cusick  
Michael G. DenDekker  
Phillip Goldfeder  
John J. McEneny  
David Weprin  
Kenneth Zebrowski

**Minority**

Nicole Malliotakis - Ranker  
Al Graf  
Mark Johns  
Joseph Saladino

**Committee Staff**

Jennifer Best, Assistant Secretary for Program and Policy  
Julianne Haggerty, Analyst  
Monique Roberts, Associate Counsel  
Christine Eppelmann, Committee Clerk  
Sarah Conklin, Program & Counsel Secretary

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## **Summary**

The Assembly Standing Committee on Governmental Employees is responsible for legislation pertaining to civil service law and the public pension systems. Examples of civil service legislation include proposals relating to the rights of governmental employees, such as disciplinary proceedings, transfers and layoffs, the right to organize collective bargaining units, and the ratification of collective bargaining agreements. Proposals amending the public pension systems affect public employees' retirement and disability benefits, qualification for such benefits, and the governing structure of the retirement systems.

During the 2012 Session, 348 legislative proposals were referred to the Committee on Governmental Employees. The Committee reported 73 bills. Of those proposals, 25 became law and 9 were vetoed.

## **2012 CHAPTERS**

### **A.8843-B (Thiele) – Chapter 127**

Chapter 127 of the Laws of 2012 allows the Town of Southampton to amortize the cost of payments to employees upon separation of service from the Town.

Specifically, this legislation permits the town of Southampton to amortize the cost of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation, and premiums or contributions with respect to health, dental and vision care insurance plans.

### **A.9116-A (Markey) – Chapter 285**

This legislation provides a 3% cost-of-living increase for fiscal year 2011-12 to the survivors of police officers and firefighters who were killed in the line of duty.

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.

As in previous legislation, there is no cost to the localities as the State would reimburse them fully for this small increase.

### **A.9157-A (Abbate)– Chapter 384**

This legislation allows members of the New York City Teachers Retirement System (NYCTRS), who have permanently ceased teaching in New York, to elect to receive a refund of their accumulated member contributions, and thereby terminate membership in NYCTRS without regard to the amount of service to their credit.

The bill requires that a retirement system in another state certify: 1) that the member seeking withdrawal is a member of that system with at least five years of teaching service; 2) that withdrawal from NYCTRS is necessary in order for the member to obtain credit for the service

in the other system. The bill also provides that, upon refund of all accumulated contributions, any and all obligations of NYCTRS to a member would cease.

**A.9182 (Thiele) – Chapter 131**

Chapter 131 of the Laws of 2012 grants officer Theodore Raffel and his employer, the Village of Southampton, an additional year (from December 31, 2011 to December 31, 2012) to file the necessary paper work with the state comptroller authorizing Officer Raffel to take advantage of an optional retirement plan, which he was unable to participate in through no fault of his own. Further, this bill would allow the village of Southampton to amortize the costs associated with this option over the course of five years.

**A.9889-A (Abbate) – Chapter 391**

This bill repeals the April 1, 2013 expiration date of Chapter 735 of the Laws of 2006, thereby permanently extending the Partial Lump Sum Option that is currently available to certain members of the New York State and Local Employees' Retirement System and to certain members of the New York State and Local Police and Fire Retirement System.

**A.9954 (Weisenberg) – Chapter 258**

This bill would allow the City of Long Beach, in Nassau County, to amortize the cost of payments to employees upon separation of service from the City.

Specifically, this legislation permits the City of Long Beach to amortize the cost of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation, and premiums or contributions with respect to health, dental and vision care insurance plans.

**A.9963-A (Abbate) – Chapter 441**

This legislation provides that police and firefighters employed by bi-state authorities and agencies are covered under health and safety standards for public employees.

The provisions of the legislation would take effect upon the enactment of identical legislation in New Jersey. New Jersey would be required by the legislation to notify the NYS Legislative Bill Drafting Commission upon the enactment of such identical legislation.

**A.10017-A (Russell) – Chapter 325**

Chapter 325 of the Laws of 2012 authorizes persons who are rendering, or have rendered service 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 administrative service agreements, contract or other arrangements entered into with the Jefferson County Industrial Development Agency, to receive retirement credit for all such service rendered prior to January 1, 2013, provided that all required employer and employee contributions are made to the New York State and Local Employees' Retirement System.

**A.10261 (Curran) – Chapter 170**

This bill would allow the Village of Lynbrook, in Nassau County, to amortize the cost of payments to employees upon separation of service from the Village.

Specifically, this legislation permits the Village of Lynbrook to amortize the cost of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation, and premiums or contributions with respect to health, dental and vision care insurance plans.

**A.10299 (Lavine) – Chapter 250**

This bill would allow the City of Glen Cove, in Nassau County, to amortize the cost of payments to employees upon separation of service from the City.

Specifically, this legislation permits the City of Glen Cove to amortize the cost of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation, and premiums or contributions with respect to health, dental and vision care insurance plans.

**A.10552 Rules (Lavine) – Chapter 178**

This bill would allow the Town of Oyster Bay, in Nassau County, to amortize the cost of payments to employees upon separation of service from the Town.

Specifically, this legislation permits the Town of Oyster Bay to amortize the cost of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation, and premiums or contributions with respect to health, dental and vision care insurance plans.

**A.10575 Rules (Hawley) – Chapter 337**

This bill would deem part-time police officer positions in the Village of Corfu and the Village of LeRoy, in the County of Genesee, to be non-competitive positions for purposes of civil service. The purpose of this re-classification is to increase the number of available candidates for part-time positions in Corfu and LeRoy.

**Pension & Civil Service Legislation for Individuals**

The following laws permit special privileges to members of the Retirement Systems who, through no fault of their own, were not included in certain plans. The employers indicated below will be responsible for all costs associated with the re-opening of the retirement plan.

**Chapter 112 – A.2709-A (Rabbitt) / S.7559 (Larkin)** – Authorizes Michael Wilson, employed by the Village of Goshen, to take the competitive civil service examination for the position of police officer; and authorizes, contingent upon his examination score, his placement upon an eligible list for appointment as a full-time patrolman for the Village of Goshen.

**Chapter 117 – A.6830-A (Crouch) / S.3136-A (Libous)** - Allows Ronald Martin, of the Village of Oxford in Chenango County, exemption from the age requirements of §58 of Civil Service

Law so that he may take the exam required to transfer from part-time to full-time competitive status for the Village of Oxford.

**Chapter 226 – A.8672-A (Kolb) / S.7502 (Nozzolio)** - Grants retroactive Tier 4 membership in the New York State and Local Employees' Retirement System to Tamara Hemminger, an employee of the Department of Labor. Due to an administrative error, her application was not processed in the usual manner and therefore missed the Tier 4 deadline. This legislation was necessary to correct the administrative error.

**Chapter 43 – A.9168 (Millman) / S.6374 (Montgomery)** – Authorizes additional service credit to Gustin L. Reichbach, a Justice for 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.

**Chapter 132 – A9222 (Sayward) / S.6394 (Little)** - Provides police officer John Harrington with a 20-year retirement plan by allowing the Town of Inlet in Hamilton County to elect to re-open the provisions of the plan.

**Chapter 138 – A.9432 (Abinanti) / S.6566 (Stewart-Cousins)** - - Provides fire fighter Paul Liberatore with a 20-year retirement plan by allowing fire district of Hartsdale to elect to re-open the provisions of the plan.

**Chapter 140 – A.9450 (Roberts) / S.6428 (Valesky)** Allows Christopher Rowe, of the Village of East Syracuse in Onondaga County, exemption from the age requirements of §58 of Civil Service Law so that he may take the exam required to transfer from part-time to full-time competitive status for the Village of East Syracuse.

**Chapter 145 – A.9566 (Gunther) / S.6780 (Bonacic)** Provides deputy sheriffs Scott Galligan, Sean Grady and Rose Ionta-Tocco with a 25-year retirement plan by allowing the County of Sullivan to elect to re-open the provisions of the plan.

**Chapter 146 – A.9588 (Cahill) / S.6781 (Bonacic)** - Provides police officers Michael Jeter, LaMark Logan, Daniel Persell, Christopher Rosa, Robert Ross, and Vanessa Nixon-Tomlin with a 20-year retirement plan by allowing the Village of Ellenville to elect to re-open the provisions of the plan.

**Chapter 161 – A.9998 (Schimel) / S.7146 (Martins)** – Authorizes police officer Casey Wall to change his retirement status from Tier III to Tier V pursuant to the authority of Article 22 of the Retirement & Social Security Law.

**Chapter 165 – A.10164 (Butler) / S.7416 (Farley)** – Provides fire fighters Thomas Mellis and Josh Frye with a 20-year retirement plan by allowing the City of Gloversville in Fulton County to elect to re-open the provisions of the plan.

**Chapter 169 – A.10227-A (Ceretto) / S.7526 (Grisanti)** – Provides fire fighter Richard E. Mylchreest, Jr. with a 20-year retirement plan by allowing the City of Niagara Falls in Niagara County to elect to re-open the provisions of the plan.



**Chapter 259 – A.10684 Rules (Jordan) / S.7707 (McDonald)** – Provides police officers Anthony J. Toleman and David M. Altamura with a 20-year retirement plan by allowing the City of Mechanicville in Saratoga County to elect to re-open the provisions of the plan.

### **Noteworthy Committee Legislation**

#### Civil Service Protections

During the 2011-2012 Legislative Session, the Assembly passed legislation that would:

- provide equal reduction in force and recall provisions to permanently appointed employees appointed to competitive, non-competitive, and labor jurisdictional classification at all levels of state and local government (A.8291 / Abbate – veto 145);
- provide employees in labor class positions at all levels of state and local government bump and retreat rights within the workforce (A.7780B / Abbate – veto 142);
- allow employees, who have been promoted the ability to revert back to their underlying non-competitive or labor class title (A.8110 / Abbate – veto 143);
- provide that investigators within the division of state police who completed three continuous years or more shall not be demoted without a hearing (A.9431 / Abbate – veto 168);
- provide a procedure for determining seniority for suspensions for purposes of layoffs or demotions within the state police force (A.9887 / Abbate – passed Assembly);
- limit the period of suspension of a police officer without pay, pending a hearing on disciplinary charges, to thirty days (A. 7761-A / Abbate – veto 141);
- limit service by police officers in an undercover assignment or capacity to 36 months (A.10232 / Lentol – passed Assembly); and,
- provide that qualified police officers of the Port Authority of New York and New Jersey be designated as detectives (A.5746 / Abbate – passed Assembly).

#### Worker Health and Safety

- The Assembly has supported many measures to increase workplace safety. In 2012, the Assembly passed legislation requiring mandatory training for fire officers in New York City (A.9367A/Abbate – veto 159). This training on building and fire codes will benefit both the fire departments and the communities they serve by insuring a more knowledgeable and effective body of fire officers who are up to date in terms of these readily-changing codes and ordinances.
- Similarly, Chapter 441 of laws of 2012 (A.9963A / Abbate) ensured that police and firefighters employed by bi-State authorities and agencies are covered under health and safety standards for public employees.

#### Fair Wages

Each year, in recognition of the fact that true fairness in compensation has not been achieved across genders, the Assembly has passed the Pay Equity legislative package. This very important series of bills included legislation which:

- assures that public employees of municipalities will be paid equally for work of equivalent value regardless of sex, race or national origin (A.6448-A – Jaffee – passed Assembly);

- assures that state employees (A.1780-A – Rosenthal – passed Assembly) will be paid equally for work of equivalent value regardless of sex, race or national origin; and,
- directs the president of the state civil service commission to study and publish a report evaluating the existence of wage disparities related to job titles segregated by sex, race and/or national origin in public service (A.9623 – Lifton – passed Assembly).

The Committee stands firm on the principle that all workers should be compensated fairly and without bias.

### Uniformed Employee Benefits

Uniformed public employees, such as police officers and firefighters, perform work that is critical to public safety, yet dangerous to their own well being. The Committee on Governmental Employees recognizes the sacrifices made by these individuals and therefore supports an enhanced benefit structure, including an earlier retirement age than civilian employees, and an increased accidental disability or death benefit for beneficiaries.

During the 2011 – 12 Legislative Session, the Committee continued to support the altruistic efforts of uniformed professionals with noteworthy legislation, including:

- A.4253-D (Glick – third reading rules cal. 287), which provides an accidental death benefit for domestic partners and mutual children of members of the Police and Fire Retirement System; and,
- A.9888 (Abbate – passed Assembly), which provides continuous health insurance coverage to the spouse or dependents of public employees who are injured in the performance of duty or who have taken ill as result of a job-related injury.

Chapter 391 of the Laws of 2012, made permanent provisions that allowed certain members of public retirement systems to receive partial lump sum distributions upon retirement. This “PLOP” payment is revenue neutral to the retirement system(s) and is a viable option for retirees wishing to utilize their retiree benefits in an alternate manner.

**APPENDIX A**

**ALL BILLS VETOED BY THE GOVERNOR IN 2012**

A.7761A Abbate	Would allow an employer to suspend a police officer without pay pending disciplinary charges.	Veto 141
A.7780B Abbate	Would relate to suspension or demotion upon abolition or reduction of positions for labor class titles; provides that an incumbent in titles in the labor class that have taken the exam and been promoted to the position of a permanent incumbent, who is suspended or displaced upon abolition or reduction in positions, shall displace incumbents serving in the next lower occupied title in the labor class.	Veto 142
A.8110 Abbate	Would relate to an employees' ability to revert back to a previously held non-competitive or labor class title.	Veto 143
A.8291A Abbate	Would relate to suspension or demotion upon the abolition or reduction of positions for labor class and noncompetitive titles.	Veto 145
A.9423 Abbate	Would provide procedures for resolution of disputes between a public employer and Suffolk county probation officers.	Veto 152
A.9869 Abbate	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.	Veto 174

## APPENDIX B

### ALL BILLS THAT PASSED THE ASSEMBLY ONLY IN 2012

A.1780A Rosenthal	Would establish policy of equal pay for both sexes and equivalent value of work and directs the taking of corrective action.
A.5125 Abbate	Would ensure port authority of New York and New Jersey police officers who become ill or injured in the performance of their duties receive full wages.
A.5746 Abbate	Would designate certain police officers of the Port Authority of New York and New Jersey as detectives.
A.6304 Rosenthal	Would provide non-contributory retirement service credit for members of the New York City retirement systems called to military duty on or after September 11, 2001.
A.6448A Jaffee	Would implement a state policy of fair and equal pay for equivalent value of work.
A.7558A Abbate	Would expand the application for provisions for a reduced retirement age for certain Triborough Bridge and Tunnel Authority employees.
A.9623 Lifton	Would direct the president of the Civil Service Commission to study and publish a report evaluating wage disparities among public employers.
A.9887 Abbate	Would provide a procedure for determining suspensions and demotions of members of police agencies upon the abolition or reduction of positions.
A.9888 Abbate	Would provide continuous health insurance coverage to the spouse or dependents of public employees who are injured in the performance of duty or taken ill as a result of duty.
A.9920A Abbate	Would provide certain accidental disability retirement benefits for fire marshals.
A.9921 Abbate	Would provide for the refund of certain contributions for certain members of NYCERS.
A.9969 Goldfeder	Would grant a waiver of half of the civil service examination fee for veterans.
A.10130 Abbate	Would relate to the eligibility for permanent appointment of certain police officers.

A.10232 Lentol	Would relate to limiting service by police officers in an undercover assignment or capacity.
A.10311A Rabbitt	Would authorize the village of Greenwood Lake in Orange County to appoint Alexander Nicholas to a full-time competitive police officer position.
A.10319 Peoples-Stokes	Would enact "Amendment No. 1" to the New York State MWBE asset management and financial institution strategy.
A.10333A Magnarelli	Would relate to transparency in health insurance claims data for public employers participating in the New York State Health Insurance Program.
A.10459A Sayward	Would authorize the Town of Ticonderoga to offer a 20-year retirement plan to police officer Dale Quesnel, Jr.

**2012 SUMMARY SHEET**

<b><u>FINAL ACTION</u></b>	<b><u>ASSEMBLY BILLS</u></b>	<b><u>SENATE BILLS</u></b>	<b><u>TOTAL BILLS</u></b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; not returning to Committee	4		4
To Ways and Means	49		49
To Codes	11		11
To Rules	9		9
To Judiciary			
<b>Total</b>	73		73
<b><u>Bills having Committee Reference Changed</u></b>			
To Codes	0		0
To Ways and Means	1		1
<b>Total</b>	1		1
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		0	0
Recalled		0	0
<b>Total</b>		0	0
<b><u>Bills Defeated in Committee</u></b>	0	0	0
<b><u>Bills Never Reported, Held in Committee</u></b>	84	0	84
<b><u>Bills Never Reported, Died in Committee</u></b>	176	8	184
<b><u>Bills Having Enacting Clauses Stricken</u></b>	6	0	6
<b><u>Motion to Discharge Lost</u></b>	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	340	8	348
<b>Total Number of Committee Meetings Held</b>			7