

# Compliments of OMCE

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MANAGEMENT/CONFIDENTIAL SALARY SCHEDULE Effective April 5, 2018  
(Administration) and March 29, 2018 ( Institution)

GRADE	HIRING RATE	JOB RATE *
M/C 3	\$26,682	\$34,110
M/C 4	\$27,860	\$35,658
M/C 5	\$29,531	\$37,388
M/C 6	\$30,783	\$39,306
M/C 7	\$32,559	\$41,434
M/C 8	\$34,346	\$43,568
M/C 9	\$36,308	\$45,887
M/C 10	\$38,265	\$48,434
M/C 11	\$40,586	\$51,122
M/C 12	\$42,728	\$53,803
M/C 13	\$45,213	\$56,793
M/C 14	\$47,899	\$59,916
M/C 15	\$50,565	\$63,151
M/C 16	\$53,415	\$66,520
M/C 17	\$56,446	\$70,189
M/C 18	\$56,745	\$70,415
M/C 19	\$59,789	\$74,077
M/C 20	\$62,836	\$77,791
M/C 21	\$66,225	\$81,810
M/C 22	\$69,785	\$86,107
M/C 23	\$73,362	\$91,658
M 1	\$79,184	\$100,091
M 2	\$87,818	\$111,005
M 3	\$97,466	\$123,166
M 4	\$107,800	\$136,042
M 5	\$119,698	\$151,228
M 6	\$132,528	\$166,696
M 7	\$146,082	\$180,922
M 8	\$123,169+	+

\* Performance Advances (Steps) are computed as 1/6<sup>th</sup> of the difference between the Job Rate and the Hiring Rate for all competitive class employees and those N/S Salary employees equated to a state pay grade

NYS Pension Calculator

[www.osc.state.ny.us/retire/members/projecting-your-pension.php](http://www.osc.state.ny.us/retire/members/projecting-your-pension.php)

AN ACT to amend the civil service law, in relation to establishing a retiree parity payment for certain employees who served in a position or positions in the classified service of the state of New York designated managerial or confidential pursuant to article fourteen of the civil service law

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

Section 1. The Civil Service law is amended by adding a new section 137 to read as follows:

§ 137. Management/confidential retiree parity payment.

- (1) Notwithstanding any law, rule or regulation to the contrary, any retiree who served in a position or positions in the classified service of the state of New York designated managerial or confidential pursuant to article fourteen of the civil service law and retired between April 1, 2009 and March 31, 2015 and had a salary increase authorized under chapter 10 of the Laws of 2008 which was withheld for the fiscal years 2009 and/or 2010 shall receive a seventy dollar rebate payment for every month of withholding from April 1, 2009 until the date of retirement or March 31, 2015, whichever is earlier, not to exceed a total of \$5,000.00. The Comptroller shall certify to the NYS Division of Budget a listing of all such retirees deemed eligible as defined above.
- (2) Notwithstanding any law, rule or regulation to the contrary, any retiree who served in a position or positions in the classified service of the state of New York designated managerial or confidential pursuant to article fourteen of the civil service law and retired between April 1, 2015 and June 30, 2017 and had a salary increase authorized under chapter 10 of the Laws of 2008 which was withheld for the fiscal years 2009 and/or 2010 shall receive \$5,000.00 less the parity salary increases received during the specified time period. The Comptroller shall certify to the NYS Division of Budget a listing of all such retirees deemed eligible as defined above.

§ 2. This act shall take effect for immediately.

BILL NUMBER:

SPONSOR:

TITLE OF BILL: An act to amend the civil service law, in relation to establishing a retiree parity payment for certain employees who served in a position or positions in the classified service of the state of New York designated managerial or confidential pursuant to article fourteen of the civil service law

PURPOSE OR GENERAL IDEA OF BILL:

This bill provides certain employees designated managerial or confidential to receive a rebate payment for salary increases that were authorized, yet ultimately withheld by New York State.

SUMMARY OF PROVISIONS:

This bill amends the civil service law by adding a new section 137 to provide a rebate payment to certain employees designated managerial or confidential and retired between April 1, 2009 and March 31, 2017.

For those employees that retired between April 1, 2009 and March 31, 2015 and had an authorized salary increase which was withheld, the employee shall receive a monthly rebate of \$70, for every month which was withheld, which shall not exceed \$5,000 per employee.

For those employees that retired between April 1, 2015 and March 31, 2017 and had an authorized salary increase which was withheld, the employee shall receive a rebate of \$5,000, less any salary increases that were received during this time period.

JUSTIFICATION:

During the 2008 recession, management confidential employees (M/Cs) had their authorized salary increases withheld by the state in an effort to reduce expenditures.

While many M/Cs ultimately received their withheld pay raises, thousands of M/Cs retired during the "withheld period" and thus were denied this rightful benefit. This measure provides a rebate to those management confidential employees that retired after having salary increases withheld for 2009 and/or 2010. New York State saved over \$450 million in salaries and fringe benefits from the withholding of salary increase for 2009 and 2010. No more than 4,000 eligible retirees are expected to take advantage of this rebate.

While this measure does not wholly recover these lost wages, it is only fair to restore some of the lost value of the withheld salaries.

PRIOR LEGISLATIVE HISTORY:

New Bill

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

For the 4/1/2009-3/31/2015 period the NYS DOB utilized an average management /confidential (M/C) annual salary of \$72000. Using data and service records from NYSLRS there were 2608 M/C retirees whose salary restoration through this proposal would cost approximately \$6.5 Million.

For the period 4/1/15-6/30/2017 an estimated 900 M/Cs retired. Given the estimated annual average M/C salary of \$75000 for this period and the cost offset of parity salary increases, the salary restoration for this group would cost approximately \$2.5 Million.

Total cost for this bill is estimated at \$9 million.

EFFECTIVE DATE:

Immediately.

## Succession Planning Through Phased Retirement

**Phased Retirement** is a human resources tool that allows full-time employees to work part-time schedules while beginning to draw **retirement** benefits.

In most state agencies there is no real succession planning underway for the training and replacement of those in critical MC positions. Couple that with a reticence by union represented employees to ascend to MC positions given the history of compensation woes and we have a "Pipeline" to MC positions that is broken. Given the demographic fact that union represented employees eligible for advancement are nearly the same age as those in the MC positions (2015 CS Workforce Management Report p.11) there remains no incentive to give up bargaining unit security and raises to accept a MC position where increased responsibilities have been coupled with an artificially diminished pay schedule. It is repetitive but bears repeating-the system is broken.....broken...broken. OMCE is proposing the concept of a Succession Planning/Phased Retirement Program modeled after the successful program currently underway in Federal Agencies. It promotes written, specific mentoring agreements between the mentor and the successor. Real savings and real successorships are realized by participating agencies and the participants benefit through an improved salary or an improved retirement benefit. A win-win scenario for the participants and the public we serve.

There is nothing wrong with "the best and the brightest" competing in a modernized merit based appointment process for MC positions except for the fact that the Civil Service Department has been starved of the resources needed. The employees left at the Civil Service Department have been asked to do everything with nothing. The "pipeline" is in need of maintenance and repair so that competitive civil service exams can be developed, held and administered throughout all levels of the state workforce... It is not just the right thing to do it is a constitutional imperative that demands the administration's leadership and attention.

The Governor has stated, "Let's show that we respect labor, we respect workers and when they are respected, they do better and everyone does better. That is the New York way and let that resonate all across this country."

Let's make this true for the state's Management/Confidential workers.

## Paid Family Leave (PFL)

Legislation enacted in April 2016 (Chapter 54, Laws of 2016) amended Workers' Compensation Law Article 9 to provide for a Paid Family Leave (PFL) benefit for eligible employees working in New York State. PFL is intended to balance the demands of the workplace with the needs of families by providing workers with reasonable amounts of paid time off. It encourages stability in the family and productivity in the workplace. PFL affords eligible employees the right to take paid leave, without charge to leave credits, to participate in providing care, including physical or psychological care, for a serious health condition of a family member of the employee; to bond with the employee's biological, adopted, or foster child during the first twelve months after the child's birth or placement in the home; or to attend to obligations arising because the spouse, domestic partner, child, or parent of the employee is on active duty or has been notified of an impending call to active duty in the United States armed forces (a qualifying exigency).

It should be noted that PFL is not available for an employee's own serious health condition or military activation.

PFL is a separate and distinct benefit separate from any other leave available under the Attendance Rules. Payments for PFL will be financed by deductions withheld from an employee's biweekly wages and PFL benefits will be paid by an insurance carrier, MetLife.

**Paid Family Leave** Paid Family Leave benefits will be available beginning January 1, 2018 for M/C designated employees in Bargaining Units 06 (most State Executive Branch employees), 18, 46, and 66.

- Full-time employees: Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- Part-time employees: Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.

Employees are eligible regardless of citizenship and/or immigration status. New York's Paid Family Leave provides job-protected, paid time off so you can:

- Bond with a newly born, adopted or fostered child,
- Care for a close relative with a serious health condition, or
- Assist with family situations when a family member is deployed abroad on active military service.

More information on these qualifying events and how Paid Family Leave applies to your time and attendance can be found in Appendix H or [www.cs.ny.gov/attendance\\_leave/pb17-02.pdf](http://www.cs.ny.gov/attendance_leave/pb17-02.pdf).

### PFL Monetary Benefit

The requirement to provide PFL, the amount of PFL authorized, and the amount of pay that an employee may receive will be phased in as follows:

1. On or after January 1, 2018, an employee may receive up to eight weeks of PFL benefits in any 52-week period at 50% of the employee's average weekly wage, not to exceed 50% of the New York State average weekly wage (SAWW).
2. On or after January 1, 2019, an employee may receive up to ten weeks of PFL benefits in any 52-week period at 55% of the employee's average weekly wage, not to exceed 55% of the SAWW.
3. On or after January 1, 2020, an employee may receive up to ten weeks of PFL benefits in any 52-week period at 60% of the employee's average weekly wage, not to exceed 60% of the SAWW.

4. On or after January 1, 2021, and for each year thereafter, an employee may receive up to twelve weeks in any 52-week period at 67% of the employee's average weekly wage, not to exceed 67% of the SAWW.

**PFL Definitions Workers' Compensation Law section 201 provides the following definitions:**

1. Child – a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or the person to whom the employee stands in loco parentis.
2. Domestic Partner – has the same meaning as set forth in Section 4 of the Workers' Compensation Law.
3. Serious Health Condition – an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility, continuing treatment or continuing supervision by a health care provider. Continuing supervision by a health care provider includes a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective where the family member is under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
4. Parent – a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
5. Family Member – a child, parent, grandparent, grandchild, spouse, or domestic partner as defined in this section.
6. Grandchild – a child of the employee's child.
7. Health Care Provider – a physician, physician's assistant, chiropractor, dentist or dental hygienist, physical therapist or physical therapy assistant, nurse, midwife, podiatrist, optometrist, psychologist, social worker, occupational therapist, speech-language pathologist, mental health practitioner, or any person licensed under the NYS Public Health Law.
8. Grandparent – a parent of the employee's parent.
9. Providing Care – Physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters, and personal attendant services.

**Election of PFL Benefits**

The eight, ten, or twelve weeks (depending on the phase/year) of PFL may be taken on a continuous or on a periodic basis. When PFL is taken on a periodic basis, it must be used in **single day increments**. Partial day increments are not permitted. In the event an employee wishes to take time off to care for a qualifying family member an employee may elect to receive full pay by using accrued and unused vacation, personal leave, holiday leave, and/or family sick leave available in accordance with the Attendance Rules and the FMLA, or to not charge available accrued leave credits and receive the statutory PFL benefit in accordance with the monetary PFL benefits noted above. Time charged to leave accruals will not count against an employee's annual PFL entitlement. An employee should provide at least 30 days' advance notice if the reason for PFL is foreseeable. Foreseeable qualifying events include: an expected birth; placement for adoption or foster care; planned medical treatment for a serious health condition of a family member; the planned medical treatment for a serious injury or illness of a covered service member; or other known military exigency. If 30 days' notice is not practicable then notice must be given as soon as reasonably possible. An employee must advise the employer as soon as possible when dates of a scheduled leave change, are extended, or were initially unknown