2018 Legislative Session

LEGISLATIVE ACTION ON BUDGET BILLS THAT PEF OPPOSED:

Legislative office staff attended the Governor's Office State of the State/budget briefing, the Fiscal Policy Institute's budget briefing, the AFL-CIO budget briefings and the Joint Legislative Budget Hearings to get various stakeholders' take on the State Fiscal Year 2018-19 Budget.

The following budget actions were taken by the Legislature in response to PEF's concerns:

1. **OITS Term Appointments**

   This bill would authorize up to 300 Information Technology (IT) term appointments for up to 60 months without initial Civil Service examination. Appointments can be extended for an additional 36 months, pending certification of promotional lists.

   The Legislature rejected this proposal and it was not included in the enacted budget.

2. **Design-Build**

   This bill would expand the provisions of current law to enable the Dormitory Authority, the Urban Development Corporation, the Office of General Services, the Department of Health and the Olympic Regional Development Authority to award a contract to a single entity for both the design and construction (design-build) aspects of a project. The types of capital projects for which design-build contracts can be used would be amended to also include buildings and appurtenant structures. In addition, the $10 Million minimum cost of a design-build project is only included for OGS and DOH.

   The Legislature rejected this proposal and it was not included in the enacted budget.

3. **Freeze on Medicare Part B Reimbursement**

   This bill would amend section 167-a of the Civil Service Law to provide that, effective April 1, 2017, State reimbursement to eligible retirees and their dependents for the Medicare Part B standard premium shall be not exceed $134 per month. While this represents an increase for some, the language provides that any future increases would be subject to negotiations in the state budget, meaning they are far less likely to happen.
The Legislature rejected this proposal and it was not included in the enacted budget.

4. **End Income Related Monthly Adjustment Amounts (IRMAA) Reimbursement**

Effective January 1, 2018, the State would stop the automatic reimbursement of the Income Related Monthly Adjustment Amounts (IRMAA) for Medicare premiums incurred on or after January 1, 2018 for higher income State retirees. Higher-income retirees currently receive a greater subsidy for New York State Health Insurance Program (NYSHIP) than the amounts received by lower and middle-income retirees. Impacted retirees stand to lose anywhere from $642 to $3,535 per year.

The Legislature rejected this proposal and it was not included in the enacted budget.

5. **Reduction in Support for SUNY Hospitals**

The Governor proposed removing the State subsidy for SUNY Hospitals and replacing it with $78.6 Million in capital funding (bonding authority).

The Legislature rejected the Governor’s proposal. It increased the subsidy to $92 Million and also included the new $78.6 Million bonding authority.

6. **Voluntary Jail-Based Restoration to Competency Programs**

This proposal would amend Section 730.10 of the Criminal Procedure Law (CPL) to authorize the establishment of jail-based restoration to competency programs, for felony defendants pending judicial hearings, within locally-operated jails and State prisons operated by the Department of Corrections and Community Supervision (DOCCS), subject to the facility’s consent.

The Legislature rejected this proposal and it was not included in the enacted budget.
7. **Ella McQueen Closure**

This proposal would allow for the closure of the Ella McQueen Reception Center for Boys and Girls provided that 30 days’ notice is provided.

The Legislature rejected this proposal and it was not included in the enacted budget.

8. **DOCCS Expansion of Commissioner’s Powers/Loss of Union Rights**

This proposal would give discretion to the DOCCS Commissioner when it comes to nearly all phases of employment within the Department. The power is based on many undefined, vague terms. The bill would also explicitly remove the collectively bargained hearing procedure for anyone accused of serious misconduct and replace it with the Department's own internal process, which can include questioning an employee without union representation.

The Legislature rejected this proposal and it was not included in the enacted budget.

9. **Pilot Release Programs**

This bill would create two new pilot release programs, one for college educational release and the other for work release. Each program would be limited to 50 inmates at any one time.

The Legislature rejected this proposal and it was not included in the enacted budget.

10. **Geriatric Parole**

This proposal would allow for the parole of an inmate age 55 or older who is no longer able to provide self-care within a correctional facility due to a chronic or serious condition, disease, syndrome, or infirmity. An inmate must have served at least half of their sentence in order to be eligible for this special consideration.

The Legislature rejected this proposal and it was not included in the enacted budget.

11. **Closure of 400 Office of Mental Health (OMH) Beds**

The Legislature rejected this proposal and it was not included in the enacted budget.
LEGISLATIVE ACTION ON BILLS THAT PEF SUPPORTED:

Our efforts to advance the passage of PEF’s budget and legislative priorities continued throughout the 2018 legislative session. Key legislative issues were continually monitored and resulted in daily, direct lobbying in support of bills that would positively impact PEF members and in opposition to those that would negatively impact them.

BILLS PASSED BY BOTH HOUSES

1. Cost/Benefit Analysis
   A.2022 (Bronson)/S.383 (Robach)
   Requires a cost/benefit before a state agency lets a contract for consultant work valued at $750,000 or more.

2. Transfer of Membership for Certain Stony Brook Employees
   A.8402-A (Abbate)/S.6435-B (Flanagan)
   Allows certain nurses from SUNY Stony Brook to transfer from the option retirement system to ERS, if they make the state whole.

3. Notice of Potential Service Reduction for Persons with Mental
   A.9563-A (Gunther)/S.7207 (Ortt)
   Provides that closure notice for an OMH facility be not less than 12 months and not more than 24 months before the anticipated closure.

4. State Appropriations to SUNY and CUNY
   A.10620 (Glick)/S.7259-A (LaValle)
   Provides a “maintenance of effort” (MOE) to SUNY and CUNY to cover certain expenses, including salaries and fringe benefits of employees.

5. “State Workforce Injury Reduction Act”
   A.4933-B (Weprin)/S.6464-A (Addabbo)
   Requires each state agency referenced in the annual report issued by the President of the civil service commission to write and submit an action plan with participation from employee representatives for reducing occurrences of such injuries in the coming year.
6. Wage Disparity Report  
A.2549 (Lifton)/S.3262 (Parker)  
Direct the President of the state Civil Service Commission to study and publish a report (by 1/1/19) evaluating among public employers the existence of wage disparities related to the job titles segregated by the gender, race and/or national origin of the employees.

7. Relates to a Report on Nurse Practitioners (Chapter Amendment)  
A.8928 (Gunther)/S.7290 (Hannon)  
Makes technical amendments to last year’s law requiring a study into a potential career ladder for nurse practitioners. Report is due July 1, 2018.

8. Additional Staff to Administer Retirement Systems  
A.10832 (Weinstein)/S.8871 (Young)  
Makes an appropriation to the account for payment of services and expenses related to the administration of New York retirement systems.