



Division of the Budget

ANDREW M. CUOMO
Governor

ROBERT F. MUJICA JR
Director of the Budget

BUDGET BULLETIN	D-1133	April 25, 2016
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TO: ALL DEPARTMENT AND AGENCY HEADS

FROM: Robert F. Mujica Jr. 

SUBJECT: Management / Confidential Salary Actions: 2% Parity Increase, Effective April 1, 2016; Performance Advances; Longevity Payments

Pursuant to Part H of Chapter 55 of the Laws of 2015, this bulletin provides guidelines for the payment of a 2% Parity Increase to Management/Confidential (M/C) employees and other unrepresented employees in the Executive Branch. Guidelines are also provided for payment of FY 2017 Performance Advances and Longevity Payments.

2% Parity Increase

Eligible M/C employees will receive a 2% Parity Increase, retroactive to April 1, 2016, as follows:

- Employees who were on the payroll as of March 31, 2016 (Institutional Payroll) and April 7, 2016 (Administration Payroll) will automatically receive payment on May 26, 2016 (Institutional Payroll) and June 1, 2016 (Administration Payroll);
- Employees who were on a leave of absence without pay on March 31, 2016 (Institutional Payroll) and April 7, 2016 (Administration Payroll) will receive payment at the time of their return to the payroll; and,
- Employees appointed via a Budget Director's Approval (BDA) Form will receive the parity increase on the aforementioned dates; however, if BDAs are submitted, or are effective, on or after April 28, 2016 (for employees on the Institutional Payroll) or May 5, 2016 (for employees on the Administration Payroll), the salary on that BDA will become effective. That is, the payroll system will not automatically apply the parity increase on top of salaries approved on a BDA on or after April 28 (Institutional Payroll) or May 5 (Administration Payroll) -- the employee will be paid the salary that appears on the BDA.

Additionally, the legislation provides a situation where certain M/C employees are NOT eligible to receive the increase and a situation where others may only receive a partial increase. The intent is to prevent State employees who received the collectively negotiated General Salary Increases in their union-represented positions from receiving them again as parity increases in their Management/Confidential positions when the resultant M/C salary would exceed the job rate of the employee's position on the April 1, 2016 M/C Salary Schedule.

The situations include:

1. **Not Eligible for 2% Parity Increase.** M/C officers or employees who were promoted or appointed to M/C positions from positions represented by one of the State's public employee unions and whose salary, immediately prior to April 1, 2016, is at or above the job rate of their M/C salary grade or equated salary grade on the April 1, 2016 M/C Salary Schedule are not eligible to receive the 2% Parity Increase; and,
2. **Eligible for Partial Parity Increase.** M/C officers or employees who were promoted or appointed to M/C positions from positions represented by one of the State's public employee unions are prohibited from receiving any portion of the increase which causes such officer's or employee's salary to exceed the job rate of their M/C salary grade or equated grade on the April 1, 2016 M/C Salary Schedule. Such employees may only receive a partial increase capped at the job rate of their salary grade or equated grade on the April 1, 2016 M/C Salary Schedule.

Nevertheless, even in these two situations, it may be appropriate to provide the 2% parity increase if the employee's salary does not properly reflect the effect of previous general salary or parity increases. For these cases, or other situations that may transpire, agencies will be contacted to review the salary histories of certain employees and will work with the Division of the Budget to provide these increases, if appropriate, retroactive to April 1, 2016.

Notification Requirement: The statute requires that agencies notify such officers/employees deemed not eligible for the parity increase or deemed only eligible for a partial increase in writing two weeks prior to the scheduled payment dates. As such, written notification must be provided **no later than May 12, 2016** for employees on the Institution Payroll, and **no later than May 18, 2016** for employees on the Administration Payroll. **To facilitate this notification, please contact your budget examiner for further guidance.** For impacted agencies, the Office of the State Comptroller is preparing a list of employees who are ineligible to receive -- in whole or in part -- the 2% Parity Increase. Your budget examiner will also be provided such list.

FY 2017 Performance Advances and Longevity Payments

Eligible M/C employees may receive a Performance Advance if they were on the payroll as of April 7, 2016 (Administration Payroll) and March 31, 2016 (Institutional Payroll). Eligible M/C employees may receive a Longevity Payment if they were on the payroll as of March 31, 2016. Eligible employees who are on a leave of absence without pay on these dates will receive payment at the time of their return to the payroll. Otherwise, actual payment dates vary depending on the characteristics of the positions (e.g., statutory salary-graded). Please see **Attachment A** for key dates associated with these payments.

Withholding Recommendations. State agencies may recommend withholding parity increases, performance advance payments and longevities, subject to the approval of the Director of the Budget, **based on a documented record of unsatisfactory job performance or other factors that an agency head deems relevant**, during the period April 1, 2015 to March 31, 2016.

Longevity Payments. DOB approval is not required for Longevity Payments to eligible M/C employees (i.e., those employees at or below Grade 17). Such payments shall be made in the amount of \$1,250 to eligible employees with at least five, but less than ten, years of continuous service at or above the job rate and in the amount of \$2,500 to eligible employees with ten or more years of continuous service at the job rate. Such payments will be in addition to and will not be considered part of basic annual salary and shall be made by separate check.

Performance Advances -- Statutory Salary-Graded and Grade-Equated Positions. Advances will be paid automatically, without additional DOB review, to all eligible M/C employees, in positions with statutorily established Salary Ranges or in Non-Statutory (NS) positions with Salary Ranges that were Equated-to-Grade on April 1, 2016. Employees must have served in an advance-eligible position for 13 payroll periods prior to April 1, 2016 and have a salary within the salary range for their position.

M/C NS Performance Advance Plans. To facilitate the payment of Performance Advances to M/C employees who are not in statutory salary-graded or grade-equated positions, agencies must submit M/C NS Performance Advance Plans for DOB approval using **Attachment B (in Excel)**. Such plans must be e-mailed to your Budget Examiner by June 7, 2016 (hard copy submissions are not required).

The plans must be completed accurately and in their entirety. Copies of DOB-approved plans are required by the Office of the State Comptroller (OSC) to provide the necessary authorization for payment. OSC will issue a Payroll Bulletin detailing further procedures for processing such payments. After being notified that the plan has been approved by DOB, agencies must process all necessary transactions associated with the approved plans. *In addition, agencies will not be able to initiate Compensation Adjustment GSI and NSA transactions in NYSTEP until their plan has been approved by DOB.*

Agencies should not submit plans directly to OSC. Your Budget Examiner will contact you when the plan has been approved and transmitted to OSC.

Plan Requirements:

- Include all NS positions that are not equated to a grade (those with Discretionary Salary Ranges, Flat Salaries or Not-to Exceed Amounts) in all Jurisdictional Classes, whether they are filled or vacant.
- For NS positions with Discretionary Salary Ranges, provide the range that was in effect on April 1, 2016 (inclusive of the April 1, 2016 2% Parity Increase).
 - Salary Ranges for NS positions subject to DOB approval through the Budget Director's approval process. NS Salary Ranges are either Equated to a Statutory Salary Grade (e.g., Equated to Grade 18 -- \$51,905 to \$64,409) or Not Equated (e.g., Discretionary Salary Range of \$90,000 to \$100,000). Your plan should not include positions with Equated Grades that are recognized in PayServ.
 - NS employees in Flat-salaried positions (no salary range exists), or in positions with "Not-to-Exceed Amounts" (salary ceilings with no salary ranges) are not eligible to receive a

Performance Advance.

- Also, provide the position's salary as of April 1, 2016, inclusive of the 2% Parity Increase. Note, in the proper column, whether the employee is advance eligible (i.e., whether the employee worked in an advance eligible position for 13 Payroll Periods prior to April 1, 2016).
- Other than application of the April 1, 2016 2% Parity Increase, these plans may not be used to make substantive changes to Salary Ranges or Salaries (i.e., Budget Director's Approval-type actions).

Agency Withholding Recommendations

Recommendations to withhold the 2% Parity Increase, effective April 1, 2016, and/or FY 2017 Performance Advances from individual employees **must be based on a documented record of unsatisfactory job performance or other factors that an agency head deems relevant** during the period April 1, 2015 to March 31, 2016. All recommendations are subject to the approval of the Director of the Budget.

Agencies must e-mail all withholdings to their Budget Examiner using **Attachment C (in Excel format) by May 2, 2016**. Signed (by appropriate agency manager) cover letters, with appropriate justification, must be attached to the e-mail in PDF format.

Questions

Please direct all questions to your Budget Examiner.

Budget Bulletin D-1133: Attachment A

Key Dates for Management/Confidential Salary Actions:

April 1, 2016 2% Parity Increase; FY 2017 Performance Advances and Longevities

Action	Date
Agencies Submit All Withholding Recommendations to DOB by:	5/2/2016
Payment of April 1, 2016 2% Parity Increase	5/26/2016 (Institution Payroll) 6/1/2016 (Administration Payroll)
Payment of Performance Advances for Statutory Positions and Non-Statutory Positions with PayServ Recognizable Grade Equations	5/26/2016 (Institution Payroll) 6/1/2016 (Administration Payroll)
Payment Longevities for Statutory Positions and Non-Statutory Positions with PayServ Recognizable Grade Equations	5/26/2016 (Institution Payroll) 6/1/2016 (Administration Payroll)
Agencies Submit M/C NS Performance Advance Plans to DOB by:	6/7/2016
Payment Dates for Non-Statutory Positions with Discretionary Salary Ranges	This is dependent upon agency submission of M/C NS Performance Advance Plans (due by 6/7/2016), DOB-LR approval, agency submission of necessary PayServ transactions upon DOB approval, and OSC processing of such plans.

FY 2017 M/C NS PERFORMANCE ADVANCE PLAN
DUE TO DOB by 6/7/2016

AGENCY NAME: _____
 AGENCY CODE: _____
 DATE SUBMITTED: _____

ITEM NUMBER	PAYROLL CYCLE (Admin./Instit.)	NYS EMPID	EMPLOYEE NAME (LAST, FIRST)	POSITION TITLE	JURISDICTIONAL CLASS	MARCH 31, 2016 SALARY IN EFFECT (Prior to 2%)	APRIL 1, 2016 SALARY IN EFFECT (Include 2%)	SALARY RANGE IN EFFECT -- 4/1/2016 (Include 2%)			SERVED AT LEAST 13 PAY PERIODS IN SFY 2015-16 (Y/N)	ADVANCE ELIGIBLE (Y/N)	PROPOSED ADVANCE (1/6th of SALARY RANGE)	PROPOSED NEW SALARY WITH ADVANCE	COMMENTS ON PERFORMANCE ADVANCE ELIGIBILITY
								HIRING RATE	JOB RATE	SALARY RANGE					
00001	Admin.	N0XXXXXXX	Employee A	Special Assistant	Exempt Class	\$103,800	\$105,876	\$105,876	\$136,762	\$30,886	Y	\$5,148	\$111,024	Employee's current salary is within the salary range established for the position, and the increases resulting from the advances would not result in the employee having a salary greater than the job rate established for the position.	
00002	Admin.	N0XXXXXXX	Employee B	Project Coordinator	Competitive Class	\$51,500	\$52,530	\$52,530	\$52,530	\$0	Y	0	\$52,530	The employee's position has a flat salary (no salary range). Positions without salary ranges are not eligible to receive performance advances.	
00003	Admin.	N0XXXXXXX	Employee C	Secretary	Exempt Class	\$56,650	\$57,783	\$55,008	\$68,712	\$13,704	Y	\$10,000 (ERROR)	\$67,783 (ERROR)	The requested advance of \$10,000 would exceed the standard advance amount of 1/6th of the employee's salary range. Discretionary salary increases may not be effectuated via this plan; such salary increases may only be approved via BDA.	
00004	Admin.	N0XXXXXXX	Employee D	Deputy Director	Exempt Class	\$108,150	\$110,313	\$102,816	\$130,560	\$27,744	Y	0	\$110,313	A withholding of the advance has been approved by the Budget Director because the employee received an unsatisfactory performance rating. Therefore, no advance is proposed.	
00005	Admin.	N0XXXXXXX	Employee E	Special Assistant	Exempt Class	\$72,549	\$74,000	\$75,000	\$75,000	NTE	Y	0	\$74,000	The employee's position is "Not-to-Exceed" (NTE: no salary range). Positions without salary ranges are not eligible to receive performance advances.	

ERROR: These entries must be corrected prior to submission of the plan to DOB.

NOTES:

- 1) This plan must include filled and vacant (as of 3/31/16 for employees on the institution payroll cycle and as of 4/7/16 for employees on the Administration payroll cycle) M/C NS Non-Equated Salary Range positions with flat salaries, salary ranges or NTE, regardless of performance advance eligibility. Positions that are Equated-to-Grade on 3/31/16 or 4/7/16 do not need to appear on this list.
- 2) DOB approved withholdings of performance advances should be demonstrated in the mathematical presentation and explained in the Comments column.
- 3) Salaries and Ranges should include the impact of the April 1, 2016 2% parity increase, but should NOT include the previously withheld general salary increases (3% & 4%) from FY 2010 and FY 2011.

BY: _____
 Chief Budget Examiner
 DATE: _____

**Recommended Withholding of the
April 1, 2016 2% Parity Increase and/or Performance Advances, Longevities¹
DUE TO DOB by May 2, 2016**

AGENCY NAME: _____
 AGENCY CODE: _____
 DATE SUBMITTED: _____

ITEM NUMBER	PAYROLL CYCLE (Admin./Instit.)	NYS EMP/ID	EMPLOYEE NAME	POSITION TITLE	JURISDICTIONAL CLASS	POSITION TYPE (Graded, NS - Type of Salary Range)	SALARY RANGE IN EFFECT 4/1/2016 (Include 2% Parity Increase)		April 1, 2016 2% PARITY INCREASE		FY 2017 PERFORMANCE ADVANCE		FY 2017 LONGEVITY		TOTAL AMOUNT WITHHELD	COMMENTS
							HIRING RATE	JOB RATE	Withhold 4/1/2016 General Salary Increase (Y/N)	Amount to be Withheld (Y/N)	Withhold 4/1/2016 Performance Advance (Y/N)	Amount to be Withheld (Y/N)	Withhold 4/1/2016 Longevity (Y/N)	Amount to be Withheld		
00001	Admin.	NOXXXXXXXX	Example	Secretary 1	Competitive Class	Grade 11	\$37,124	\$46,761	No	\$0	Not Eligible	\$0	Y	\$1,250	\$1,250	Unsatisfactory Performance Rating
00002	Admin.	NOXXXXXXXX	Example	Assistant Director	Competitive Class	M-5	\$109,487	\$138,328	No	\$0	Yes	\$3,000	Not Eligible	\$0	\$3,000	Partial Withhold of Performance Advance; Unsatisfactory Performance Rating. ²
00003	Admin.	NOXXXXXXXX	Example	Assistant Counsel	Exempt Class	NS, Flat Salary	\$90,000	\$90,000	Yes	\$1,800	Not Eligible	\$0	Not Eligible	\$0	\$1,800	Full Withhold of General Salary Increase; Unsatisfactory Performance Rating.

NOTES

1. This form should include all MIC employees (graded, equated to grade, non-equated, flat salaried positions) for whom withholds are recommended.
2. Partial withholds are permitted (e.g., withhold only fraction of performance advance).

Robert F. Mujica Jr.
Budget Director
