

Governor Hochul's 30-day Budget Amendments

The NYS Division of the Budget released Governor Hochul's FY23 Executive Budget proposal's [30-Day Amendments](#) on February 17, 2022. These 30-Day Amendments include modifications to the \$3,000 health care and mental hygiene worker bonuses' Article VII language. Some of the Governor's amendments were requested by CP of NYS and NYDA.

These 30- Day Amendments modifications include:

- **Income Ceiling** - Increases the income ceiling from an annualized base salary of \$100,000 to \$125,000.
- **Full Time Definition** - Reduces the top-tier eligibility for the \$3,000 bonus from 40 to 35 average hours worked.
- **Expands and clarifies eligible employers** - to include school-based health centers, institutions of higher education, public or **nonpublic schools**, charter schools, **approved preschool programs for students with disabilities**, school districts or boards of cooperative educational services (BOCES), a health district as defined in section two of the public health law, municipal corporations, and programs funded by the Office of Mental Health, Office of Addiction Services And Supports, Office for People With Developmental Disabilities, and Office for The Aging.
- **OT Exemption Eligibility** - Clarifies that full-time employees who are exempt from overtime compensation over the course of a vesting period will be eligible for a \$1,500 bonus, and maximum of \$3,000 over two periods.
- **Vesting Period Definition** - defines the vesting period as a series of six-month periods between October 1, 2021 and March 31, 2024. Employees that are continuously employed by an employer during these periods will be eligible in accordance with a schedule issued by the Commissioner of Health or relevant agency commissioner.
- **Defines "base salary"** - as the employee's gross wages with the employer during the vesting period, excluding any bonuses or overtime pay.
- **Payroll Record Dates** – eliminates the specific use of payroll records from 2021 as a means to determine an employee's annualized base salary.
- **Vesting Periods** - Eliminates language specifically dividing payments into two vesting periods, removing the restriction of vesting periods being limited to a total of one year, and removing the cutoff date of March 31, 2023 for employees to be eligible.
- **Number of Bonuses** – Clarifies that employees shall be eligible for bonuses for no more than two vesting periods per employer, in an amount equal to but not greater than \$3,000 per employee across all employers.
- **Bonus Payment Date** - Upon completion of a vesting period, an employee is entitled to receive the bonus and the employer is required to pay the bonus within 30 days, provided that the employee does not terminate, through action or inaction, prior to such date.
- **Bonus Claim** – Requires employers to submit a claim for a bonus to the relevant department no later than thirty days after an employee's eligibility for a bonus (vests) according to the schedule issued by the Commissioner.
- **Average Hours worked** - The use of any accruals or other leave, including but not limited to sick, vacation, or time used under FMLA, shall be credited towards and included in the calculation of the average number of hours worked per week over the course of the vesting period.