

4163

2011-2012 Regular Sessions

I N S E N A T E

March 21, 2011

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize the county of Erie to offer an optional twenty year retirement plan to deputy sheriffs Thomas Van Wie and Karen Ott-Kelley

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the county of Erie, a participating employer in the New York state and
3 local employees retirement system, which previously elected to offer the
4 optional twenty year retirement plan, established pursuant to section
5 552 of the retirement and social security law, and the additional
6 pension benefits to members of such plan, established pursuant to
7 section 553 of the retirement and social security law, to sheriffs,
8 under-sheriffs and deputy sheriffs employed by such county, is hereby
9 authorized to make participation in such plan and benefits available to
10 Thomas Van Wie and Karen Ott-Kelley, deputy sheriffs employed by the
11 county of Erie since September 5, 2006 and July 31, 2004, respectively,
12 who, for reasons not ascribable to their own negligence, failed to make
13 a timely application to participate in such optional twenty year retire-
14 ment plan and the additional pension benefits therefor. The county of
15 Erie may so elect by filing with the state comptroller, on or before
16 December 31, 2011, a resolution of its local legislative body together
17 with certification that such deputy sheriffs did not bar themselves from
18 participation in such retirement plan as a result of their own negli-
19 gence. Thereafter, such deputy sheriffs may elect to be covered by the
20 provisions of sections 552 and 553 of the retirement and social security
21 law, and shall be entitled to the full rights and benefits associated
22 with coverage under such sections, by filing a request to that effect
23 with the state comptroller on or before June 30, 2012.
24 S 2. All employer costs associated with implementing the provisions of
25 this act shall be borne by the county of Erie.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow Erie County to elect to reopen the provisions of a 20 year retirement plan pursuant to Section 552 of the Retirement and Social Security Law for sheriffs, undersheriffs and deputy sheriffs. Affected members would also immediately become covered under Section 553, which gives additional 60ths of final average salary for each year of creditable service beyond 20 years.

If this bill is enacted, we anticipate that there will be an increase of approximately \$13,300 in the annual contributions of Erie County for the fiscal year ending March 31, 2012.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$15,100 which would be borne by Erie County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2012.

This estimate, dated March 16, 2011, and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-137, prepared by the Actuary of the New York State and Local Employees' Retirement System.