

STATE OF NEW YORK

4460

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to transfer of retirement membership for certain employees of SUNY within the professional, scientific and technical bargaining unit

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 618 to read as follows:

3 § 618. Transfer of membership into New York state and local employees'
4 retirement system. a. Definitions. Whenever used in this section:

5 1. The term "eligible employee" shall mean a person who as of the
6 effective date of this section is an employee of the state university of
7 New York in a position within the professional, scientific and technical
8 bargaining unit and who is, as of said effective date, a member of the
9 optional retirement program and who is a registered nurse who first
10 became an employee of the state university of New York at Stony Brook
11 Hospital on a date between January first, nineteen hundred ninety-six
12 and December thirty-first, nineteen hundred ninety-nine and who is still
13 employed by the state university of New York as of the date said employ-
14 ee files an application pursuant to subdivision b of this section;

15 2. The term "optional retirement program" shall mean the optional
16 retirement program established pursuant to article eight-B of the educa-
17 tion law.

18 b. Notwithstanding any other provision of law, an eligible employee
19 shall be allowed to become a member of the New York state and local
20 employees' retirement system by filing an application with said retire-
21 ment system no later than December thirty-first, two thousand twenty-
22 two.

23 c. An eligible employee who files an application to become a member of
24 the New York state and local employees' retirement system shall be

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

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1 deemed to be a member of that retirement system with a date of member-
2 ship as of the date said eligible employee was first employed by the
3 state university of New York. The eligible employee's membership in the
4 optional retirement program shall terminate as of the date said applica-
5 tion is filed.

6 d. An eligible employee who becomes a member of the New York state and
7 local employees' retirement system pursuant to subdivision b of this
8 section may elect to purchase credit for previous service for any period
9 during which said employee was a member of the optional retirement
10 program by filing an application with the New York state and local
11 employees' retirement system no later than December thirty-first, two
12 thousand twenty-two and by paying to said retirement system an amount as
13 determined by the comptroller equal to the full cost of such previous
14 service credit purchased which shall include an amount equivalent to the
15 additional costs to the employer of providing retirement service credit
16 to such employee while such employee was a member of the optional
17 retirement program as determined by the actuary for the retirement
18 system. Said payment may be made by a transfer of funds from the employ-
19 ee's optional retirement program account to the New York state and local
20 employees' retirement system. Said payment may also be made in one
21 payment by the employee or by payroll deduction over a period not to
22 exceed five years.

23 § 2. Notwithstanding any other provision of law to the contrary, none
24 of the provisions of this act shall be subject to section 25 of the
25 retirement and social security law.

26 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow any employee of the State University of New York (SUNY) who is a registered nurse in a position within the Professional, Scientific and Technical bargaining unit, who first became employed with SUNY at Stony Brook Hospital between January 1, 1996 and December 31, 1999, and who enrolled in the Optional Retirement Program, to terminate their membership in the Optional Retirement Program and to be deemed to be a member of the New York State and Local Employees' Retirement System (NYSLERS) with a date of membership as of the date of first employment by SUNY. Affected members will be required to pay the entire past service cost as determined by the Comptroller in order to receive retirement service credit for any period of service rendered while a member of the Optional Retirement Program.

If this bill is enacted, the number of employees who may be affected cannot be readily determined. For every employee who does so elect, there will be an annual cost to the State of New York of approximately 18.2% of salary beginning with the fiscal year ending March 31, 2022.

In addition to the annual cost above, for every member who elects this benefit, there will be a past service cost that will depend on the age, service and salary of the member. Members will be able to pay this cost using any of three methods, including a transfer of funds from their Optional Retirement Program balance, a one-time payment, or by payroll deduction over a period not to exceed five (5) years.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2020 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 1, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-75, prepared by the Actuary for the New York State and Local Retirement System.