

# STATE OF NEW YORK

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6735

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

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

AN ACT to authorize the village of Athens, in the county of Greene, to offer an optional twenty-year retirement plan to police officer Edward Tercasio, Jr.

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 village of Athens, in the county of Greene, a participating employer  
3 in the New York state and local police and fire retirement system, which  
4 previously elected to offer the optional twenty-year retirement plan,  
5 established pursuant to section 384-d of the retirement and social secu-  
6 rity law, to police officers employed by such village, is hereby author-  
7 ized to make participation in such plan available to Edward Tercasio,  
8 Jr., a police officer employed by the village of Athens, who, for  
9 reasons not ascribable to his own negligence, failed to make a timely  
10 application to participate in such optional twenty-year retirement plan.  
11 The village of Athens may so elect by filing with the state comptroller,  
12 within 12 months of the effective date of this act, a resolution of the  
13 village board of trustees together with certification that such police  
14 officer did not bar himself from participation in such retirement plan  
15 as a result of his own negligence. Thereafter, such police officer may  
16 elect to be covered by the provisions of section 384-d of the retirement  
17 and social security law, and shall be entitled to the full rights and  
18 benefits associated with coverage under such section, by filing a  
19 request to that effect with the state comptroller within 18 months of  
20 the effective date of this act.

21 § 2. All past costs associated with implementing the provisions of  
22 this act shall be borne by the village of Athens and may be amortized  
23 over a period of ten years.

24 § 3. This act shall take effect immediately.

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

LBD09084-02-1

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

This bill would allow the Village of Athens to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Edward Tercasio Jr.

If this bill is enacted during the 2021 legislative session and Officer Tercasio becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$810 in the annual contributions of the Village of Athens for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Officer Tercasio change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$41,600 which will be borne by the Village of Athens as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022. If the Village of Athens elects to amortize this cost over a 10-year period, the cost for the first year including interest would be \$5,490.

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 10, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-69, prepared by the Actuary for the New York State and Local Retirement System.