

STATE OF NEW YORK

2121

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

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 Michelle Rickard to receive certain credit under section 384-d of the retirement and social security law

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, Michelle Rickard,
2 currently a town of Hamburg police officer and member of the New
3 York state and local police and fire retirement system covered by
4 section 384-d of the retirement and social security law, who between
5 January 21, 2003 and June 22, 2008 was employed by the Erie county sheriff's
6 department where she was a member of the New York state and local
7 employees' retirement system, and who, for reasons not ascribable to her
8 own negligence, was not granted service credit under section 384-d of
9 the retirement and social security law for her period of employment with
10 the Erie county sheriff's department, shall be granted such service
11 credit under section 384-d of the retirement and social security law and
12 shall be entitled to the full rights and benefits associated with coverage
13 under such section, provided a request to that effect is filed with
14 the state comptroller within one year from the effective date of this
15 act. Prior to Michelle Rickard submitting such request, she must first
16 file an application for tier reinstatement with the New York state and
17 local police and fire retirement system, as she has previously withdrawn
18 her membership with the New York state and local employees' retirement
19 system. Once any costs associated with Michelle Rickard's tier reinstatement
20 to her prior membership are paid in full by her, she may be
21 granted the service credit and such service credit will be creditable
22 service under section 384-d of the retirement and social security law
23 for Michelle Rickard.

24 § 2. All past service costs incurred in implementing the provisions of
25 this act shall be borne by the town of Hamburg.

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

LBD00564-02-3

1 § 3. This act shall take effect immediately.

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

This bill would grant service credit under section 384-d of the Retirement and Social Security Law to Michelle Rickard, a current member of the New York State and Local Police and Fire Retirement System (NYSLPFRS) employed by the Town of Hamburg, for the period of January 21, 2003 through June 22, 2008, during which time they were employed as a deputy sheriff in Erie County. Currently, deputy sheriff service is not creditable in a NYSLPFRS twenty-year police retirement plan.

If this bill is enacted during the 2023 legislative session, there will be an immediate past service cost of approximately \$296,000 which will be borne by the Town of Hamburg as a one-time payment. This estimate assumes that payment will be made on February 1, 2024.

This bill will not increase the future annual contributions of the Town of Hamburg.

Michelle Rickard must file and complete an application for tier reinstatement with the NYSLPFRS for service credit to be granted.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 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, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 January 13, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-9, prepared by the Actuary for the New York State and Local Retirement System.