STATE OF NEW YORK

6141--B

2023-2024 Regular Sessions

IN SENATE

March 30, 2023

Introduced by Sens. JACKSON, CHU -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to the retirement of county correction officers in Suffolk county

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

Section 1. Subdivisions c, g and h of section 89-f of the retirement and social security law, as added by chapter 591 of the laws of 1988, and such section as renumbered by chapter 771 of the laws of 1988, subdivisions g and h as relettered by chapter 543 of the laws of 1992, are amended to read as follows:

c. ***(1)*** Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of [~~his~~] ***such member's*** accumulated contributions at the time of [~~his~~] ***such member's*** retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which [~~he~~] ***such member*** may then be entitled shall be sufficient to provide [~~him~~] ***such member*** with a retirement allowance equal to one-half of [~~his~~] ***such member's*** final average salary.

(2) Upon completion of thirty years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of such member's accumulated contributions at the time of such member's retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which such member may then be entitled shall be

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

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sufficient to provide such member with a retirement allowance equal to sixty percent of such member's final average salary.

g. A member contributing on the basis of this section at the time of retirement, shall retire after the completion of twenty-five years or thirty years of total creditable service. Application therefor may be filed in a manner similar to that provided in section seventy of this article. Upon completion of twenty-five years or thirty years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of [~~his~~] such member's accumulated contributions at the time of [~~his~~] such member's retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which [~~he~~] such member may then be entitled shall be sufficient to provide [~~him~~] such member with a retirement allowance equal to one-half of [~~his~~] such member's final average salary for a member retiring after the completion of twenty-five years, or a retirement allowance equal to sixty percent of such member's final average salary for a member retiring after the completion of thirty years.

h. In computing the twenty-five years or thirty years of total service of a member pursuant to this section full credit shall be given and full allowance shall be made for service of such member in time of war after World War I as defined in section two of this chapter, provided such member at the time of [~~his~~] such member's entrance into the armed forces was in the service of the county of Suffolk.

§ 2. Subdivision d of section 604 of the retirement and social security law, as amended by chapter 771 of the laws of 1988, is amended to read as follows:

d. 1. The early service retirement for a member who is employed in Suffolk county as a correction officer as defined in section eighty-nine-f of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service as such correction officer, but not exceeding one-half of [~~his or her~~] such member's final average salary.

2. The early service retirement for a member who is employed in Suffolk county as a correction officer as defined in section eighty-nine-f of this chapter, shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of thirty years of service as such correction officer, but not exceeding sixty percent of such member's final average salary.

§ 3. All past service costs associated with implementing the provisions of this act shall be borne by the county of Suffolk and may be amortized over a period of ten years.

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

§ 5. This act shall take effect immediately and shall apply to all members that retire on or after such date.

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

This bill would modify the service retirement benefit for members of the New York State and Local Employees' Retirement System employed by Suffolk County as correction officers. The modified service retirement benefit will be one-half of final average salary (FAS) upon completion of twenty-five years of creditable service and sixty percent of FAS upon completion of thirty years of creditable service. The current service retirement benefit is one-half of FAS upon completion of twenty-five years of creditable service.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately $440,000 in the annual contributions of Suffolk County for the fiscal year ending March 31, 2025. In future years this cost will vary but is expected to average 0.3% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $5.5 million which will be borne by Suffolk County as a one-time payment. This estimate assumes that payment will be made on February 1, 2025. If Suffolk County elects to amortize this cost over a 10-year period, the cost for each year including interest would be $702,000.

These estimated costs are based on 843 affected members employed by Suffolk County, with annual salary of approximately $115 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 March 8, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-106, prepared by the Actuary for the New York State and Local Retirement System.