STATE OF NEW YORK

7570

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

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

AN ACT to amend the retirement and social security law, in relation to service credit related to the birth or adoption of a new child

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

Section 1. Section 513 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

i. 1. Notwithstanding any other provision of law to the contrary, any correction officer member, as such term is defined in subdivision e of section eighty-nine-f of this chapter, who is absent without pay for leave related to the birth or adoption of a new child pursuant to law, rule or regulation shall be eligible for credit for such period of leave provided such member (i) files a claim for such service credit with the retirement system by December thirty-first, two thousand twenty-six or within ninety days of the termination of such leave, whichever is later; (ii) contributes to the retirement system an amount which such member would have contributed during the period of such leave, together with interest thereon, based on the member's most recent twelve months of non-zero compensation immediately prior to the leave of absence and the member's mandatory contribution rate; and (iii) such member shall have at least five years of credited service, not including service credit granted in this section, to be eligible to receive the credit authorized pursuant to this subdivision. Provided, however, if a member does not have five years of service credit at the time of their leave, they shall have ninety days from when they achieve five years of service credit to file a claim for such service credit with the retirement system to receive the credit authorized pursuant to this subdivision.

2. Service credit provided pursuant to this subdivision shall not exceed one year of credit for each period of authorized unpaid leave related to the birth or adoption of a child. In the event there is a

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

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conflict between the provisions of this subdivision and the provisions of any other law or code to the contrary, the provisions of this subdivision shall govern.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by Suffolk County.

§ 3. Notwithstanding any 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.

§ 4. This act shall take effect immediately.

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

This bill would allow any member of the New York State and Local Employees' Retirement System (NYSLERS) employed by Suffolk County as a correction officer to be eligible for up to one year of service credit for each period of authorized unpaid leave related to the birth or adoption of a new child. This bill is not consistent with the New York State and Local Retirement System's policy of granting service credit only when a salary has been paid.

To be eligible, members must have at least five years of credited service in NYSLERS. For the additional service to be credited, members must apply within 90 days of their return from the authorized unpaid leave and must pay contributions based on their most recent 12 months of non-zero compensation.

If this bill is enacted during the 2025 Legislative Session, it is estimated that the past service cost will average approximately 25% of an affected member's compensation for each year of additional service that is credited. This cost will be reduced by member contributions, which are estimated to be 3% for Tier 5 members and 6% for Tier 6 members. All remaining costs will be billed to Suffolk County annually, based on those benefiting from this provision.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 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 March 24, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-48. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.