STATE OF NEW YORK

7825

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

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

AN ACT in relation to authorizing the county of Tompkins to offer an optional twenty year retirement plan to Kyle Davenport, a deputy sheriff employed by such county

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

Section 1. Notwithstanding any other provision of law to the contrary, Kyle Davenport, a member of the optional twenty-five year retirement plan for certain sheriffs, undersheriffs, deputy sheriffs and correction officers pursuant to section 89-p of the retirement and social security law, who was employed by Tompkins county as a deputy sheriff as of May 8, 2017, and who through no fault of his own, failed to file a timely application to participate in the special twenty year retirement plan contained in sections 552 and 553 of the retirement and social security law at the time of his promotion to deputy sheriff resulting in the crediting of his service with the county of Tompkins in the retirement plan contained in section 89-p of such law, shall be given full credit in the sections 552 and 553 twenty year retirement plan for such service as a deputy sheriff upon the election of the county of Tompkins to assume the additional cost of such service and his election to participate in such plan. The county of Tompkins may so elect within one year of the effective date of this act, by filing with the state comptroller a resolution of its local legislative body together with certification that such member did not bar himself from participation in such retirement plan as a result of his own negligence.

§ 2. Such deputy sheriff may elect to be covered by the provisions of sections 552 and 553 of the retirement and social security law and shall be entitled to the full rights and benefits associated with coverage under such section by filing a request to that effect with the state comptroller within eighteen months of the effective date of this act.

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

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§ 3. All employer past service costs associated with the implementation of this act shall be borne by Tompkins county, and may be amortized over a period of five years.

§ 4. This act shall take effect immediately.

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

This bill would allow Kyle Davenport, a current member of the New York State and Local Employees' Retirement System employed as a deputy sheriff by Tompkins County and covered under the 25-year retirement plan of §89-p of the Retirement and Social Security Law (RSSL), to elect to be covered under the 20-year plan of §552 and §553 of the RSSL.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately $11,000 in the annual contributions of Tompkins County for the fiscal year ending March 31, 2026. In future years this cost will vary as the billing rates and salary of Kyle Davenport change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $92,100 which will be borne by Tompkins County as a one-time payment. This estimate assumes that payment will be made on February 1, 2026. If Tompkins County elects to amortize this cost over a five-year period, the cost for each year including interest would be $20,600.

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 27, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-113. 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.