S T A T E O F N E W Y O R K

4100--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. COOK, PHEFFER, TITONE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the judiciary law and the retirement and social security law, in relation to providing benefit enhancements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The judiciary law is amended by adding a new section 39-c to read as follows:

S 39-C. COURT CLERKS OF THE CITY OF NEW YORK. COURT CLERKS OF THE CITY OF NEW YORK SHALL BE DEFINED AS THOSE JOB TITLES OR POSITIONS INCLUDED WITHIN THE NEGOTIATING UNIT DEFINED IN THE AGREEMENT BETWEEN THE STATE OF NEW YORK UNIFIED COURT SYSTEM AND THE NEW YORK STATE COURT CLERKS ASSOCIATION WHICH INCLUDE APPELLATE COURT CLERK, ASSOCIATE APPELLATE COURT CLERK, ASSOCIATE COURT CLERK, ASSOCIATE SURROGATE'S COURT CLERK, ASSISTANT DEPUTY COURT CLERK, CASE MANAGEMENT COORDINATOR, COORDINATING MATRIMONIAL COURT CLERK, COURT CLERK SPECIALIST, DIFFERENTIATED CASE MANAGEMENT TRACKING COORDINATOR, DEPUTY CHIEF CLERK III, DEPUTY CHIEF CLERK IV, DEPUTY CHIEF CLERK V, DEPUTY CHIEF CLERK (ARRAIGNMENT PART), PRINCIPAL APPELLATE COURT CLERK, PRINCIPAL COURT CLERK, PRINCIPAL SURROGATE'S COURT CLERK, SENIOR APPELLATE COURT CLERK, SENIOR COURT CLERK AND SENIOR SURROGATE'S COURT CLERK.

S 2. Subdivision b of section 902 of the retirement and social security law is amended by adding a new paragraph 4 to read as follows:

4. AN ELIGIBLE EMPLOYEE WHO IS A COURT CLERK OF THE CITY OF NEW YORK OF THE UNIFIED COURT SYSTEM AND MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WITH A DATE OF MEMBERSHIP IN A RETIREMENT SYSTEM ON OR AFTER JULY TWENTY-SEVENTH, NINETEEN HUNDRED SEVENTY-SIX AND

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

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WHO HAS CONTRIBUTED TO A RETIREMENT SYSTEM UNDER THE PROVISIONS OF ARTICLE FOURTEEN OR ARTICLE FIFTEEN OF THIS CHAPTER FOR A PERIOD OF MORE THAN TEN YEARS SHALL RECEIVE UPON RETIREMENT A PAYMENT EQUAL TO THE AMOUNT OF CONTRIBUTIONS MADE IN EXCESS OF TEN YEARS OF SERVICE AND ANY ACCUMULATED INTEREST.

S 3. This act shall take effect immediately.

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

This bill will allow Tier 3 and Tier 4 Court Clerks in the City of New York who have made 3% member contributions after having completed ten years of service credit, to receive a refund at retirement of all 3% member contributions made after having completed ten years of service credit, together with interest thereon.

If this bill is enacted, we anticipate that there will be an immediate past service cost of approximately $13.8 million which would be borne by the State of New York as a one-time payment.

These estimated costs are based on 1,578 known Tier 3 and Tier 4 Court Clerks having a total estimated annual salary for the fiscal year ending March 31, 2009 of approximately $133 million.

This estimate, dated February 10, 2010 and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-94, prepared by the Actuary for the New York State and Local Employees' Retirement System.