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

4102--A

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. ABBATE, COLTON, JOHN, PHEFFER -- Multi-Sponsored by -- M. of A. COOK, HOOPER, 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 retirement and social security law, in relation to retirement of peace officers employed by the unified court system and to repeal subdivision f of section 613 of such law relating thereto

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

Section 1. The retirement and social security law is amended by adding a new section 89-x to read as follows:

S 89-X. RETIREMENT OF PEACE OFFICERS EMPLOYED BY THE UNIFIED COURT SYSTEM. A. A MEMBER EMPLOYED AS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION. SUCH ELIGIBILITY SHALL BE AN ALTERNATIVE TO THE ELIGIBILITY PROVISIONS AVAILABLE UNDER ANY OTHER PLAN OF THIS ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.

B. SUCH MEMBER SHALL BE ENTITLED TO RETIRE UPON THE COMPLETION OF TWENTY-FIVE YEARS OF TOTAL CREDITABLE SERVICE BY FILING AN APPLICATION THEREFOR IN THE MANNER PROVIDED IN SECTION SEVENTY OF THIS ARTICLE.

C. 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 OR HER ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS OR HER RETIREMENT AND AN ADDITIONAL PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED SHALL BE SUFFICIENT TO PROVIDE HIM OR HER WITH A RETIREMENT ALLOWANCE EQUAL TO ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY.

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

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D. AS USED IN THIS SECTION "CREDITABLE SERVICE" SHALL BE ALL SERVICE AS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM.

E. A MEMBER, CONTRIBUTING ON THE BASIS OF THIS SECTION AT THE TIME OF RETIREMENT, SHALL RETIRE AFTER THE COMPLETION OF TWENTY-FIVE 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 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 OR HER ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS OR HER RETIREMENT AND AN ADDITIONAL PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED SHALL BE SUFFICIENT TO PROVIDE HIM OR HER WITH A RETIREMENT ALLOWANCE EQUAL TO ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY.

F. IN COMPUTING THE TWENTY-FIVE 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 OR HER ENTRANCE INTO THE ARMED FORCES WAS IN THE SERVICE OF THE UNIFIED COURT SYSTEM.

G. NOTHING HEREIN SHALL BE CONSTRUED TO PREVENT A MEMBER WHO DOES NOT RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION FROM UTILIZING SERVICE WHICH IS CREDITABLE SERVICE PURSUANT TO THE PROVISIONS OF THIS SECTION FOR SERVICE CREDIT PURSUANT TO THE PROVISIONS OF ANY OTHER SECTION OF THIS ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.

S 2. Subdivision b of section 442 of the retirement and social security law is amended by adding a new paragraph 5 to read as follows:

5. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM MAY RETIRE WITHOUT REDUCTION IN HIS OR HER RETIREMENT BENEFIT UPON COMPLETION OF TWENTY-FIVE OR MORE YEARS OF SERVICE.

S 3. Subdivision a of section 603 of the retirement and social security law, as amended by section 7 of part B of chapter 504 of the laws of 2009, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten [or a member who is a uniformed court officer or peace officer employed by the unified court system] may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service[, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty

or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service]. A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM SHALL BE ELIGIBLE FOR EARLY SERVICE RETIREMENT WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT UPON COMPLETION OF TWENTY-FIVE OR MORE YEARS OF SERVICE.

S 4. Subdivision a of section 603 of the retirement and social security law, as amended by section 3-a of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article provided, however, a member who is a peace officer employed by the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, AND A MEMBER WHO IS A PEACE OFFICER EMPLOYED BY THE UNIFIED COURT SYSTEM SHALL BE ELIGIBLE FOR EARLY SERVICE RETIREMENT WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT UPON COMPLETION OF TWENTY-FIVE OR MORE YEARS OF SERVICE.

S 5. Section 604 of the retirement and social security law is amended by adding a new subdivision u to read as follows:

U. THE EARLY SERVICE RETIREMENT BENEFIT FOR A MEMBER WHO IS EMPLOYED AS A PEACE OFFICER IN THE UNIFIED COURT SYSTEM 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 PEACE OFFICER BUT NOT EXCEEDING ONE-HALF OF HIS OR HER FINAL SALARY.

S 6. Subdivision f of section 613 of the retirement and social security law is REPEALED.

S 7. Paragraph 1 of subdivision b of section 902 of the retirement and social security law, as amended by section 10 of part B of chapter 504 of the laws of 2009, is amended to read as follows:

1. [An] EXCEPT FOR PEACE OFFICERS OF THE UNIFIED COURT SYSTEM, AN eligible employee (i) with a date of membership in a retirement system on or after July twenty-seventh, nineteen hundred seventy-six and before January first, two thousand ten, and (ii) who has ten or more years of membership or ten or more years of credited service with a retirement system under the provisions of article fourteen or fifteen of this chapter shall not be required to contribute to a retirement system pursuant to section five hundred seventeen or six hundred thirteen of this chapter as of the cessation date. PEACE OFFICERS OF THE UNIFIED COURT SYSTEM WITH TEN OR MORE YEARS OF MEMBERSHIP OR TEN OR MORE YEARS OF CREDITED SERVICE SHALL NOT BE REQUIRED TO CONTRIBUTE TO A RETIREMENT SYSTEM PURSUANT TO SECTION SIX HUNDRED THIRTEEN OF THIS CHAPTER.

S 8. The cost attributable to the operation of this act shall be borne by the unified court system.

S 9. This act shall take effect immediately, provided, that the amendments to subdivision a of section 603 of the retirement and social security law made by section three of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 13 of chapter 682 of the laws of 2003, as amended, when upon such date the provisions of section four of this act shall take effect.

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

This bill would allow Peace Officers employed by the Unified Court System to retire without benefit reduction due to early retirement upon completion of twenty-five (25) years of creditable service. In addition this bill removes the required member contributions of 4% of salary that such Tier 5 members would make for all years of service and replaces that requirement with 3% of salary for the first 10 years of service only. The benefit upon retirement would be an allowance of one-half of final average salary. There would be no reduction for early service retirement.

If this bill is enacted, we anticipate that for Tier 1, 2, 3 and 4 Peace Officers employed by the Unified Court System there will be an increase of approximately $14.4 million in the annual contributions of the State of New York, on behalf of the Unified Court System for the fiscal year ending March 31, 2011. In addition, for all Tier 5 Peace Officers employed by the Unified Court System, there will also be an annual increase to the State of New York of approximately 5.3% of salary.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $69.4 million which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2011.

These estimated costs are based on 6,402 known affected officers having a total estimated annual salary for the fiscal year ending March 31, 2010 of approximately $507 million.

This estimate, dated March 26, 2010 and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-99, prepared by the Actuary for the New York State and Local Employees' Retirement System.