

5808

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. ABBATE, COLTON, PHEFFER, McENENY, BOYLAND -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to the extension of the temporary benefits and supplementation programs and to amend chapter 625 of the laws of 1975 amending the retirement and social security law, relating to the extension of temporary rights and benefits, in relation to the extension of such rights and benefits

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

1 Section 1. Section 470 of the retirement and social security law, as
2 amended by chapter 27 of the laws of 2007, is amended to read as
3 follows:
4 S 470. Temporary suspension of retirement negotiations. Until July
5 first, two thousand [nine] ELEVEN, changes negotiated between any public
6 employer and public employee, as such terms are defined in section two
7 hundred one of the civil service law, with respect to any benefit
8 provided by or to be provided by a public retirement system, or payments
9 to a fund or insurer to provide an income for retirees or payment to
10 retirees or their beneficiaries, shall be prohibited. Thereafter, such
11 changes shall be made only pursuant to negotiations between public
12 employers and public employees conducted on a coalition basis pursuant
13 to the provisions of this article; provided, however, any such changes
14 not requiring approval by act of the legislature may be implemented
15 prior to July first, two thousand [nine] ELEVEN, if negotiated as a
16 result of collective bargaining authorized by section six of chapter six
17 hundred twenty-five of the laws of nineteen hundred seventy-five.
18 S 2. Section 480 of the retirement and social security law, as amended
19 by chapter 27 of the laws of 2007, is amended to read as follows:
20 S 480. Extension of temporary benefits and supplementation programs.
21 a. Every temporary right, privilege or benefit conferred pursuant to
22 the provisions of a general, special or local law (other than pursuant

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

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1 to articles fourteen and fifteen of this chapter) for any member of a
2 public retirement system or pension plan funded by the state or one of
3 its political subdivisions, which is scheduled to expire or terminate at
4 any time during nineteen hundred seventy-four, nineteen hundred seven-
5 ty-five, nineteen hundred seventy-six, nineteen hundred seventy-seven,
6 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen
7 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-
8 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-
9 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred
10 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-
11 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen
12 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred
13 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,
14 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen
15 hundred ninety-nine, two thousand, two thousand one, two thousand two,
16 two thousand three, two thousand four, two thousand five, two thousand
17 six, two thousand seven [or], two thousand eight, TWO THOUSAND NINE, TWO
18 THOUSAND TEN OR TWO THOUSAND ELEVEN, is hereby extended until July
19 first, two thousand [nine] ELEVEN, notwithstanding the provisions of
20 such general, special or local law. Notwithstanding the foregoing, noth-
21 ing in this section shall be construed to extend the provisions of arti-
22 cle eighteen of this chapter or to affect any statutory deadlines
23 provided in such article.

24 b. (i) Any program under which an employer in a public retirement
25 system funded by the state or one of its political subdivisions assumes
26 all or part of the contribution which would otherwise be made by its
27 employees toward retirement, which expires or terminates during nineteen
28 hundred seventy-four, is hereby extended until July first, two thousand
29 [nine] ELEVEN, notwithstanding the provisions of any other general,
30 special or local law, except that commencing with the payroll period the
31 first day of which is nearest to January first, nineteen hundred seven-
32 ty-six, and until July first, two thousand [nine] ELEVEN, the rate of
33 such contribution assumed by an employer in any of the public retirement
34 systems funded and maintained by a city, shall be one-half the rate of
35 such contribution assumed by such employer for the immediately preceding
36 payroll period except as provided in paragraph (ii) of this subdivision.

37 (ii) Commencing with the first payroll period the first day of which
38 is subsequent to October first, two thousand and until July first, two
39 thousand [nine] ELEVEN, the rate of such contribution assumed by an
40 employer in the New York city police pension fund and in the New York
41 city fire department pension fund shall be equal to the rate of such
42 contributions assumed by such employer for the payroll period preceding
43 January first, nineteen hundred seventy-six.

44 c. All supplemental retirement allowances or supplemental pensions
45 paid to pensioners or beneficiaries of any retirement system supported
46 in whole or in part by the state or a political subdivision thereof,
47 which are scheduled to expire at any time during nineteen hundred seven-
48 ty-five, nineteen hundred seventy-six, nineteen hundred seventy-seven,
49 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen
50 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-
51 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-
52 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred
53 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-
54 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen
55 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred
56 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,

1 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen
2 hundred ninety-nine, two thousand one, two thousand two, two thousand
3 three, two thousand four, two thousand five, two thousand six, two thou-
4 sand seven [or], two thousand eight, TWO THOUSAND NINE, TWO THOUSAND TEN
5 OR TWO THOUSAND ELEVEN, shall be continued for an additional year
6 notwithstanding any other provision of any general, special or local law
7 provided, however, that all such supplemental retirement allowances or
8 supplemental pensions which are scheduled to expire at any time during
9 two thousand [seven] NINE shall be continued for two additional years
10 notwithstanding any other provisions of any general, special or local
11 law.

12 S 3. Section 615 of the retirement and social security law, as amended
13 by chapter 27 of the laws of 2007, is amended to read as follows:

14 S 615. Duration. Notwithstanding any other provisions of this chapter
15 or of any other law, the provisions of article fourteen of this chapter
16 shall expire on June thirtieth, two thousand [nine] ELEVEN, but shall no
17 longer apply to members to whom this article applies on the date article
18 fifteen of this chapter becomes effective, provided, however, any member
19 who has retired pursuant to the provisions of article fourteen of this
20 chapter before the effective date of this article or any beneficiary of
21 such a member or a beneficiary of a member who dies before the effective
22 date of this article and who is entitled to a death benefit pursuant to
23 article fourteen of this chapter shall receive such benefits pursuant to
24 the provisions of article fourteen of this chapter, except as provided
25 pursuant to the provisions of section six hundred seventeen of this
26 article. All benefits provided by a public retirement system of the
27 state shall continue with respect to members to which this article is
28 applicable only until June thirtieth, two thousand [nine] ELEVEN.

29 S 4. Section 6 of chapter 625 of the laws of 1975 amending the retire-
30 ment and social security law, relating to the extension of temporary
31 rights and benefits, as amended by chapter 27 of the laws of 2007, is
32 amended to read as follows:

33 S 6. Notwithstanding any inconsistent provisions of this act or of any
34 general, special or local law, on and after July 1, 1975 and up to and
35 including June 30, [2009] 2011: (a) a participating employer in the New
36 York state and local employees' retirement system or the New York state
37 and local police and fire retirement system and its employees shall
38 continue to have the right to negotiate with respect to any benefit
39 provided by or to be provided by such employer to such employees as
40 members of such system and not requiring approval by act of the legisla-
41 ture; and (b) a public authority or public benefit corporation which is
42 not a participating employer in the New York state and local employees'
43 retirement system or the New York city employees' retirement system
44 shall continue to have the right to negotiate with its employees with
45 respect to benefits to be provided by such employer to such employees
46 upon retirement and not requiring approval by act of the legislature.

47 S 5. This act shall take effect immediately; provided that the amend-
48 ments to section 615 of the retirement and social security law made by
49 section three of this act shall expire on the same date as such section
50 expires pursuant to such section 615.

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

This bill would extend for 2 years those temporary benefits provided
by a public retirement system of the State, including the right of
members to negotiate for improved benefits not requiring approval by an
Act of the legislature.

Insofar as this would affect the New York State and Local Employees' Retirement System (NYS&LERS) and the New York State and Local Police and Fire Retirement System (NYS&LPFRS), there would be no increase in employer contributions over current levels for the State of New York or the participating employers in the NYS&LERS or the NYS&LPFRS.

This estimate, dated February 6, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-144, prepared by the Actuary for the NYS&LERS and the NYS&LPFRS.