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

5849--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. DESTITO, PERALTA, COLTON, PHEFFER, GABRYSZAK, GORDON, BENJAMIN, HOYT, GUNTHER, MAGEE, CALHOUN, TOWNSEND, SAYWARD, SCHROEDER, KOON -- Multi-Sponsored by -- M. of A. AUBRY, CUSICK, HEASTIE, JOHN, SCOZZAFAVA -- 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 and benefits for certain employees

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

Section 1. Subparagraph (a) of paragraph 2 of subdivision a of section 600 of the retirement and social security law, as amended by chapter 421 of the laws of 2006, is amended to read as follows:

(a) Members in the uniformed personnel in institutions under the jurisdiction of the department of correctional services of New York state UNLESS AN ELECTION IS MADE PURSUANT TO SECTION SEVEN HUNDRED ONE OF THIS CHAPTER, other than certain persons as defined in this section or the New York city department of correction.

S 2. The article heading of article 17 of the retirement and social security law, as added by chapter 578 of the laws of 1989, is amended to read as follows:

ELECTION OF ARTICLE FOURTEEN OR FIFTEEN

S 3. Subdivision c of section 700 of the retirement and social security law, as added by chapter 578 of the laws of 1989, is amended to read as follows:

c. [Such] EXCEPT AS PROVIDED IN SECTION SEVEN HUNDRED ONE OF THIS ARTICLE, SUCH election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such member is in a title defined in subdivision i of section eighty-nine of

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

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this chapter. The election shall be filed on or before December thirty-first, nineteen hundred eighty-nine or within one year after such person becomes employed in such title, whichever date is later.

S 4. The retirement and social security law is amended by adding a new section 701 to read as follows:

S 701. ELECTION OF THE PROVISIONS OF ARTICLE FIFTEEN BY CERTAIN MEMBERS. A. THIS SECTION SHALL APPLY TO A MEMBER OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHO JOINED OR REJOINED SUCH SYSTEM ON OR AFTER JULY TWENTY-SEVENTH, NINETEEN HUNDRED SEVENTY-SIX AND WHO IS IN A TITLE DEFINED IN SUBDIVISION I OF SECTION EIGHTY-NINE OF THIS CHAPTER.

B. A MEMBER MAY, BY FILING AN ELECTION AS SPECIFIED IN SUBDIVISION C OF THIS SECTION, ELECT TO HAVE HIS OR HER RETIREMENT BENEFITS CALCULATED AND RETIRE PURSUANT TO ARTICLE FIFTEEN OF THIS CHAPTER.

C. SUCH ELECTION SHALL BE IN WRITING, SHALL BE DULY EXECUTED AND FILED WITH THE COMPTROLLER AND SHALL BE IRREVOCABLE. SUCH ELECTION SHALL BE MADE PRIOR TO SERVICE RETIREMENT FOR ANY MEMBER ELIGIBLE PURSUANT TO THE PROVISIONS OF SUBDIVISION A OF THIS SECTION.

S 5. All past service costs incurred due to the enactment of this legislation will be borne by the state of New York. The state of New York may elect to amortize this past service cost over a five or ten year period.

S 6. This act shall take effect immediately.

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

This bill would allow Tiers 3 and 5 State Correction Officers and Tiers 3, 4 and 5 Security Hospital Treatment Assistants to become eligible to receive benefits under the provisions of Article 15 of the Retirement and Social Security Law in addition to the half-pay plan at 25 years benefit.

If this bill is enacted, there will be an immediate past service cost of approximately $135 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. If the State of New York elects to amortize the past service costs over a period of five (5) or ten (10) years, the past service cost for the first year including interest, would be approximately $31.3 million or $18.6 million, respectively.

There will not be an increase in the annual contributions of the State of New York for the fiscal year ending March 31, 2011.

Theses estimated costs are based on 21,693 affected State Correction Officers and Security Hospital Treatment Assistants with a total annual salary of approximately $1.3 billion for the fiscal year ending March 31, 2009.

This estimate, dated January 11, 2010, and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-70, prepared by the Actuary for the New York State and Local Employees' Retirement System.