

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

5857--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. DESTITO -- 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 certified school counselors and the recovery of disability beneficiaries

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

1 Section 1. Section 102 of the retirement and social security law is
2 amended by adding a new subdivision e-2 to read as follows:
3 E-2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ANY OTHER
4 PROVISION OF LAW, A RETIREE OF THE NEW YORK STATE AND LOCAL EMPLOYEES'
5 RETIREMENT SYSTEM WHO IS RETIRED ON A DISABILITY ALLOWANCE, WHO IS A
6 CERTIFIED SCHOOL COUNSELOR IN THIS STATE AND WHO RETURNS TO GAINFUL
7 EMPLOYMENT AS A CERTIFIED SCHOOL COUNSELOR AT THE ELEMENTARY OR SECOND-
8 ARY SCHOOL LEVEL IN THIS STATE SHALL CONTINUE TO RECEIVE THE FULL AMOUNT
9 OF HIS OR HER RETIREMENT ALLOWANCE, INCLUDING THE
10 PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY.
11 S 2. Section 402 of the retirement and social security law is amended
12 by adding a new subdivision f-2 to read as follows:
13 F-2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR ANY OTHER
14 PROVISION OF LAW, A RETIREE OF THE NEW YORK STATE AND LOCAL POLICE AND
15 FIRE RETIREMENT SYSTEM WHO IS RETIRED ON A DISABILITY ALLOWANCE, WHO IS
16 A CERTIFIED SCHOOL COUNSELOR IN THIS STATE AND WHO RETURNS TO GAINFUL
17 EMPLOYMENT AS A CERTIFIED SCHOOL COUNSELOR AT THE ELEMENTARY OR SECOND-
18 ARY SCHOOL LEVEL IN THIS STATE SHALL CONTINUE TO RECEIVE THE FULL AMOUNT
19 OF HIS OR HER RETIREMENT ALLOWANCE, INCLUDING THE
20 PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY.
21 S 3. This act shall take effect immediately.

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

LBD03880-03-0

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

This bill would amend Sections 102 and 402 of the Retirement and Social Security Law to allow certain disability retirees to work as certified school counselors and continue to receive their disability retirement benefit.

If this bill is enacted, insofar as it will affect the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System, we expect few retirees to be affected. There would be negligible additional annual costs.

This estimate, dated January 11, 2010, and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-69, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.