

6448

2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. McENENY, HOYT -- Multi-Sponsored by -- M. of A. DIAZ, HOOPER, MARKEY, ORTIZ, PHEFFER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the education law, the retirement and social security law and the administrative code of the city of New York, in relation to permitting members of the New York state and New York city teachers' retirement systems to claim retirement credit for certain teaching service rendered with the association of retarded citizens

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

1 Section 1. Subdivision 2 of section 509 of the education law is
2 amended by adding a new paragraph d to read as follows:
3 D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER SHALL BE ENTI-
4 TLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE RENDERED IN THE
5 EMPLOY OF THE ASSOCIATION OF RETARDED CITIZENS WHICH WOULD CONSTITUTE
6 SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN
7 EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE. THE CREDITING OF
8 SERVICE PURSUANT TO THIS PARAGRAPH SHALL BE IN ACCORDANCE WITH RULES AND
9 REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD, PROVIDED THAT
10 SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE
11 RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE
12 PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE
13 ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR
14 WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER
15 PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER
16 STATE OR FROM THE FEDERAL GOVERNMENT. NOTHING HEREIN SHALL AUTHORIZE OR
17 REQUIRE THE SYSTEM TO CREDIT SERVICE WHERE NOT PERMITTED BY SECTION
18 415(N) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.
19 S 2. Section 446 of the retirement and social security law is amended
20 by adding a new subdivision k to read as follows:
21 K. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF A TEACHERS'
22 RETIREMENT SYSTEM SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL BE
23 ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE RENDERED IN THE
24 EMPLOY OF THE ASSOCIATION OF RETARDED CITIZENS WHICH WOULD CONSTITUTE

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

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1 SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN
2 EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE. THE CREDITING OF
3 SERVICE PURSUANT TO THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH RULES
4 AND REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD OF SUCH
5 RETIREMENT SYSTEM, PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE
6 SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICA-
7 BLE FOR THE CREDITING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED,
8 HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE
9 PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT
10 AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM
11 OR PLAN IN THIS STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERN-
12 MENT. NOTHING HEREIN SHALL AUTHORIZE OR REQUIRE THE SYSTEM TO CREDIT
13 SERVICE WHERE NOT PERMITTED BY SECTION 415(N) OF THE INTERNAL REVENUE
14 CODE OF 1986, AS AMENDED.

15 S 3. Section 513 of the retirement and social security law is amended
16 by adding a new subdivision i to read as follows:

17 I. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF A TEACHERS'
18 RETIREMENT SYSTEM SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL BE
19 ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE RENDERED IN THE
20 EMPLOY OF THE ASSOCIATION OF RETARDED CITIZENS WHICH WOULD CONSTITUTE
21 SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN
22 EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE, PROVIDED SUCH MEMBER
23 MAKES THE PAYMENTS REQUIRED PURSUANT TO THE PROVISIONS OF SECTION FIVE
24 HUNDRED SEVENTEEN OF THIS ARTICLE. THE CREDITING OF SERVICE PURSUANT TO
25 THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS
26 SHALL BE ADOPTED BY THE RETIREMENT BOARD OF SUCH RETIREMENT SYSTEM,
27 PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIV-
28 ALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDIT-
29 ING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH
30 CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIV-
31 ING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE
32 TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS
33 STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT. NOTHING HEREIN
34 SHALL AUTHORIZE OR REQUIRE THE SYSTEM TO CREDIT SERVICE WHERE NOT
35 PERMITTED BY SECTION 415(N) OF THE INTERNAL REVENUE CODE OF 1986, AS
36 AMENDED.

37 S 4. Section 609 of the retirement and social security law is amended
38 by adding a new subdivision h to read as follows:

39 H. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF A TEACHERS'
40 RETIREMENT SYSTEM SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL BE
41 ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE RENDERED IN THE
42 EMPLOY OF THE ASSOCIATION OF RETARDED CITIZENS WHICH WOULD CONSTITUTE
43 SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN
44 EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE, PROVIDED SUCH MEMBER
45 MAKES THE PAYMENTS REQUIRED PURSUANT TO THE PROVISIONS OF SECTION SIX
46 HUNDRED THIRTEEN OF THIS ARTICLE AND PARAGRAPH TWO OF SUBDIVISION B OF
47 THIS SECTION. THE CREDITING OF SERVICE PURSUANT TO THIS SUBDIVISION
48 SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS SHALL BE ADOPTED BY
49 THE RETIREMENT BOARD OF SUCH RETIREMENT SYSTEM, PROVIDED THAT SUCH RULES
50 AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGU-
51 LATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE PURSUANT TO
52 THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY
53 SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED
54 TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR
55 PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER STATE OR
56 FROM THE FEDERAL GOVERNMENT. NOTHING HEREIN SHALL AUTHORIZE OR REQUIRE

1 THE SYSTEM TO CREDIT SERVICE WHERE NOT PERMITTED BY SECTION 415(N) OF
2 THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

3 S 5. Subparagraph (d) of paragraph 3 of subdivision a of section
4 13-505 of the administrative code of the city of New York is amended to
5 read as follows:

6 (d) Credit for such prior service up to a maximum of fifteen years
7 shall be given only if application and payment therefor is made by the
8 contributor within the first four years subsequent to membership in the
9 New York city teachers' retirement system or before December thirty-
10 first, [nineteen hundred sixty-nine] TWO THOUSAND NINE, whichever is
11 later.

12 S 6. Subdivision a of section 13-505 of the administrative code of the
13 city of New York is amended by adding a new paragraph 10 to read as
14 follows:

15 10. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER SHALL BE
16 ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE RENDERED IN THE
17 EMPLOY OF THE ASSOCIATION OF RETARDED CITIZENS WHICH WOULD CONSTITUTE
18 SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN
19 EMPLOYER SUBJECT TO THE PROVISIONS OF THIS TITLE. THE CREDITING OF
20 SERVICE PURSUANT TO THIS PARAGRAPH SHALL BE IN ACCORDANCE WITH RULES AND
21 REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD, PROVIDED THAT
22 SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE
23 RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE
24 PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE
25 ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR
26 WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER
27 PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER
28 STATE OR FROM THE FEDERAL GOVERNMENT. NOTHING HEREIN SHALL AUTHORIZE OR
29 REQUIRE THE SYSTEM TO CREDIT SERVICE WHERE NOT PERMITTED BY SECTION
30 415(N) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

31 S 7. This act shall take effect immediately and shall be in full
32 force and effect on and after June 30, 2009; provided, however, that the
33 amendments to sections 513 and 609 of the retirement and social security
34 law made by sections three and four of this act, respectively, shall
35 expire on the same date as such sections expire pursuant to section 615
36 of such law.

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

This bill amends subdivision 2 of section 509 of the Education Law and Sections 446, 513 and 609 of the Retirement and Social Security Law to permit members of the New York Teachers' Retirement System to receive service credit for up to ten years of prior teaching service rendered with the Association of Retarded Citizens. Tier 3 and Tier 4 members must make payments for such credit in accordance with section 517 and section 613 and paragraph 2 of subdivision b of section 609 of the Retirement and Social Security Law.

It is not possible to determine the total annual cost to the employers of members of the New York State Teachers' Retirement System since the total amount of service credit which would be claimed under this bill cannot be estimated. However, the cost to the employers of members of the New York State Teachers' Retirement System is estimated to be \$18,700 per year of service credited if this bill is enacted.

The source of this estimate is Fiscal Note 2009-19 dated February 27, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.