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

7290

2009-2010 Regular Sessions

I N A S S E M B L Y

March 27, 2009

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to credit for public service rendered in the state of New York under the federal Emergency Jobs Appropriation Act prior to becoming a member of a retirement system

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

Section 1. Subdivision b of section 41 of the retirement and social security law is amended by adding a new paragraph 5-a to read as follows:

5-A. PUBLIC SERVICE RENDERED IN THE STATE OF NEW YORK IN NINETEEN HUNDRED EIGHTY-THREE AND/OR NINETEEN HUNDRED EIGHTY-FOUR IN A POSITION CREATED OR FILLED PURSUANT TO FEDERAL PUBLIC LAW 98-8, THE EMERGENCY JOBS APPROPRIATION ACT OF 1983, WITHOUT REGARD TO THE LENGTH OF SUCH SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 2. Subdivision b of section 446 of the retirement and social security law, as amended by chapter 552 of the laws of 2000, is amended to read as follows:

b. Previous service.

A member of a retirement system who is subject to the provisions of this article shall be eligible to obtain retirement credit for previous service if retirement credit had previously been granted for such service or if such service that would have been creditable in one of the public retirement systems of the state, as defined in subdivision twenty-three of section five hundred one of this chapter, at the time such service was rendered, if the individual had been a member of such retirement system and the member has rendered a minimum of two years of credited service after July first, nineteen hundred seventy-three; provided, however, retirement credit may be granted for service which predates the date of entry into the retirement system if such service is otherwise creditable and was rendered by an employee during which employment he was ineligible to join a public retirement system.

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

LBD05202-02-9

NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, A MEMBER SHALL BE ELIGIBLE TO OBTAIN RETIREMENT CREDIT FOR PUBLIC SERVICE RENDERED IN THE STATE OF NEW YORK IN NINETEEN HUNDRED EIGHTY-THREE AND/OR NINETEEN HUNDRED EIGHTY-FOUR IN A POSITION CREATED OR FILLED PURSUANT TO FEDERAL PUBLIC LAW 98-8, THE EMERGENCY JOBS APPROPRIATION ACT OF 1983, WITHOUT REGARD TO THE LENGTH OF SUCH SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 3. Paragraph 1 of subdivision b of section 609 of the retirement and social security law, as amended by chapter 552 of the laws of 2000, is amended to read as follows:

1. A member shall be eligible to obtain retirement credit hereunder for previous service with a public employer if retirement credit had previously been granted for such service or if such service which would have been creditable in one of the public retirement systems of the state, as defined in subdivision twenty-three of section five hundred one of this chapter, at the time such service was rendered, if the individual had been a member of such retirement system and the member has rendered a minimum of two years of credited service after July first, nineteen hundred seventy-six or after last rejoining a public retirement system, if later; provided, however, retirement credit may be granted for service which predates the date of entry into the retirement system if such service is otherwise creditable and the member satisfied the minimum service requirements set forth in this subdivision and was rendered by an employee of a public employer during which employment he was ineligible to join a public retirement system provided that such public employer was participating in a public retirement system of the state at the time of such employment, or is so participating at the time that such credit for such previous service is being sought. NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, A MEMBER SHALL BE ELIGIBLE TO OBTAIN RETIREMENT CREDIT FOR PUBLIC SERVICE RENDERED IN THE STATE OF NEW YORK IN NINETEEN HUNDRED EIGHTY-THREE AND/OR NINETEEN HUNDRED EIGHTY-FOUR IN A POSITION CREATED OR FILLED PURSUANT TO FEDERAL PUBLIC LAW 98-8, THE EMERGENCY JOBS APPROPRIATION ACT OF 1983, WITHOUT REGARD TO THE LENGTH OF SUCH SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 4. This act shall take effect immediately; provided that the amendments to section 609 of the retirement and social security law made by section three of this act shall expire on the same date as such section expires pursuant to section 615 of such law.

FISCAL NOTE.--This bill would amend sections 446 and 609 of the Retirement and Social Security Law to permit members to receive service credit for public service rendered in the state of New York in 1983 and/or 1984 in a position created or filled under the Emergency Jobs Appropriation Act of 1983 regardless of the length of such service. To claim this credit, members must pay the amount they would have had to contribute during this period with regular interest.

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 2009-34 dated March 20, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.