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

8228

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

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

AN ACT to amend the retirement and social security law, in relation to implementing a provision in a collective bargaining agreement between the state university construction fund and an employee organization relating to unused sick leave and retirement service credit

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

Section 1. Paragraph 1 of subdivision j of section 41 of the retirement and social security law, as amended by chapter 271 of the laws of 2008, is amended to read as follows:

1. In addition to any other service credit to which he or she is entitled, a member who meets the requirements set forth in paragraphs two and three of this subdivision shall be granted one day of additional service credit for each day of accumulated unused sick leave which he or she has at time of retirement for service, but such credit shall not (a) exceed one hundred sixty-five days, (b) be considered in meeting any service or age requirements prescribed in this chapter, and (c) be considered in computing final average salary. However, for an executive branch member designated managerial or confidential pursuant to article fourteen of the civil service law or in the collective negotiating units established by article fourteen of the civil service law designated the professional, scientific and technical services unit, the rent regulation services negotiating unit, the security services negotiating unit, the security supervisors negotiating unit, the state university professional services negotiating unit, the administrative services negotiating unit, the institutional services negotiating unit, the operational services negotiating unit and the division of military and naval affairs negotiating unit such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days. For a nonjudicial officer or employee of the unified court system not in

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

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a collective negotiating unit or in a collective negotiating unit specified in section one of chapter two hundred three of the laws of two thousand four, for employees of the New York state dormitory authority, for employees of the New York state thruway authority [and], the New York state canal corporation AND THE STATE UNIVERSITY CONSTRUCTION FUND and for employees of the New York liquidation bureau such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days.

S 2. Notwithstanding any other provision of law, the past service cost associated with section one of this act shall be paid by the New York state university construction fund over a period not to exceed five years.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2003.

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

This bill would amend subdivision j of Section 41 of the Retirement and Social Security Law to allow employees of the New York State University Construction Fund who are members of the New York State and Local Employees' Retirement System to be granted additional service credit for up to a maximum of 200 days of accumulated unused sick leave. Currently, the maximum is 165 days. This would be deemed to be in effect as of April 1, 2003.

If this bill is enacted, there will be a total past service cost of approximately $21,300 which would be borne by the New York State University Construction Fund. If this cost is amortized over a period of 5 years, the cost for the first year, including interest, would be approximately $4,940. In addition to the past service cost, there could be future increases in the annual contributions of the New York State University Construction Fund.

This estimate, dated April 23, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-226 prepared by the Actuary for the New York State and Local Employees' Retirement System.