

9083

2009-2010 Regular Sessions

I N A S S E M B L Y

July 27, 2009

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

AN ACT authorizing the beneficiary of Robert Carballeira to receive an enhanced pension benefit on his behalf

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

1 Section 1. Notwithstanding section 101 of the retirement and social  
2 security law, the beneficiary of Robert Carballeira, who was a member of  
3 the New York state and local employees' retirement system and employed  
4 by the county of Suffolk, shall be entitled to a benefit based on the  
5 total service credit to which he was entitled at the time of his earlier  
6 retirement on August 30, 1997 including all credit received pursuant to  
7 chapter 41 of the laws of 1997, in addition with all member service  
8 credit earned by him subsequent to his last restoration to membership on  
9 March 1, 2003, if, on or before December 31, 2009, such beneficiary  
10 shall file an application therefor with the state comptroller. Such  
11 total service credit to which he was entitled at the time of his earlier  
12 retirement shall be so credited without requiring such member to return  
13 to the retirement system with regular interest the actuarial equivalent  
14 of the amount of the retirement allowance he received, and the actuarial  
15 equivalent thereof shall not be deducted from his subsequent retirement  
16 allowance. Such benefit will be recalculated as of January 15, 2008.  
17 In addition to the recalculated benefit that the beneficiary will  
18 receive for her lifetime, retroactive to the pensioner's date of death,  
19 the beneficiary will receive a retroactive payment based on the differ-  
20 ence between the recalculated benefit and the benefit which was paid to  
21 Robert Carballeira prior to his death.

22 S 2. All costs of implementing the provisions of this act shall be  
23 borne by the county of Suffolk.

24 S 3. This act shall take effect immediately.

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

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

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This bill would authorize the beneficiary of Robert Carballeira to receive an enhanced pension benefit. Mr. Carballeira retired August 30, 1997 under the retirement incentive authorized by chapter 41 of the laws of 1997. He restored to membership in 2003 and subsequently retired on January 15, 2008. This bill would provide an enhanced pension based on all service credit earned, including the retirement incentive credit, without requiring that the retirement allowance that was paid be returned to the retirement system.

If this bill is enacted, there will be an immediate past service cost of approximately \$369,000 which will be borne by Suffolk County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated June 22, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-268, prepared by the Actuary for the New York State and Local Employees' Retirement System.