

2689

2009-2010 Regular Sessions

I N   S E N A T E

February 26, 2009

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Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Civil Service and  
Pensions

AN ACT to authorize John Leslie Bergmann to apply for and receive  
service credit, for service in the employment of a participating  
employer in the New York state and local employees' retirement system,  
in the New York city teachers' retirement system

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

1     Section 1. Notwithstanding any other provision of law to the contrary,  
2     John Leslie Bergmann, who retired on July 1, 2002 from employment by the  
3     city school district of the city of New York and receives benefits from  
4     the New York city teachers' retirement system, and who commenced employ-  
5     ment by the Westchester county community college, a participating  
6     employer in the New York state and local employees' retirement system,  
7     on September 6, 1988, and who, for reasons not ascribable to his own  
8     negligence, did not become a member of the New York state and local  
9     employees' retirement system, shall be entitled to receive retirement  
10    service credit for his service as an employee of the Westchester county  
11    community college, from the date of his commencement of such employment  
12    until the date of his retirement from employment by the city school  
13    district of the city of New York, in the New York city teachers' retire-  
14    ment system if, on or before the thirty-first of December next succeed-  
15    ing the date on which it shall have become a law, he shall file an  
16    application therefor with the state comptroller.

17    S 2. Notwithstanding any other provision of law to the contrary, ther-  
18    eupon, the New York state and local employees' retirement system shall  
19    transfer to the New York city teachers' retirement system an amount, to  
20    be determined by the state comptroller, equal to that which the West-  
21    chester county community college would have been obligated to pay to the  
22    New York state and local employees' retirement system on account of its

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

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1 employment of John Leslie Bergmann had he become a member of such  
2 retirement system at the time of the commencement of his employment by  
3 Westchester county community college. In addition to such transfer,  
4 John Leslie Bergmann shall pay to the New York city teachers' retirement  
5 system, in a lump sum, an amount, if any, to be determined by the state  
6 comptroller, equal to that which he would have been obligated to  
7 contribute to the New York state and local employees' retirement system  
8 due to his employment by Westchester county community college, had he  
9 become a member of such system upon the commencement of such employment,  
10 from the date of the commencement thereof until the date of his retire-  
11 ment from employment by the city school district of the city of New  
12 York.

13 S 3. Upon receipt of the transfer and the payment required by section  
14 two of this act, the New York city teachers' retirement system shall  
15 grant the retirement service authorized by section one of this act to  
16 John Leslie Bergmann and shall recalculate and pay his retirement allow-  
17 ance accordingly and pay to him any arrearage or deficiency to which he  
18 may be entitled pursuant to the provisions of this act in a lump sum.

19 S 4. This act shall take effect immediately.

FISCAL NOTE.--This bill will adjust the retirement benefit of John Leslie Bergmann, a retiree from the New York City Teachers Retirement System (NYCTRS), by increasing his final average salary by approximately \$16,000 based on salary earned while working for the Westchester County Community College. The additional benefit based on the increase in final average salary will then be paid retroactively to his date of retirement from the NYCTRS.

If this bill is enacted, insofar as it affects the New York State and Local Employees' Retirement System, we anticipate that there will be a transfer of approximately \$6,800 to the NYCTRS. This cost will be shared by the State of New York and all of the participating employers in the New York State and Local Employees' Retirement System. In addition, we estimate that Mr. Bergmann will have to pay approximately \$9,400 in member contributions to the NYCTRS. The sum of these amounts will be used to partially offset the cost to the NYCTRS.

This estimate, dated February 25, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-165, prepared by the Actuary for the New York State and Local Employees' Retirement System.