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

2689

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

S 2. Notwithstanding any other provision of law to the contrary, thereupon, the New York state and local employees' retirement system shall transfer to the New York city teachers' retirement system an amount, to be determined by the state comptroller, equal to that which the Westchester county community college would have been obligated to pay to the 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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employment of John Leslie Bergmann had he become a member of such retirement system at the time of the commencement of his employment by Westchester county community college. In addition to such transfer, John Leslie Bergmann shall pay to the New York city teachers' retirement system, in a lump sum, an amount, if any, to be determined by the state comptroller, equal to that which he would have been obligated to contribute to the New York state and local employees' retirement system due to his employment by Westchester county community college, had he become a member of such system upon the commencement of such employment, from the date of the commencement thereof until the date of his retirement from employment by the city school district of the city of New York.

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

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 Empoyees' 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.