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

3406

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

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

AN ACT to amend the education law, the retirement and social security law and the administrative code of the city of New York, in relation to permitting members of the New York state and New York city teachers' retirement systems to claim retirement credit for certain federal teaching service

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

Section 1. Subdivision 2 of section 509 of the education law is amended by adding a new paragraph d to read as follows:

D. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER SHALL BE ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE OTHER THAN MILITARY SERVICE RENDERED IN THE EMPLOY OF THE FEDERAL GOVERNMENT, INCLUDING SERVICE IN THE PEACE CORPS, VISTA, OR HEAD START, WHICH WOULD CONSTITUTE SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE. THE CREDITING OF SERVICE PURSUANT TO THIS PARAGRAPH SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD, PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT.

S 2. Section 446 of the retirement and social security law is amended by adding a new subdivision k to read as follows:

K. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF A TEACHERS' RETIREMENT SYSTEM SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL BE ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE OTHER THAN

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

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MILITARY SERVICE RENDERED IN THE EMPLOY OF THE FEDERAL GOVERNMENT, INCLUDING SERVICE IN THE PEACE CORPS, VISTA, OR HEAD START, WHICH WOULD CONSTITUTE SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE. THE CREDITING OF SERVICE PURSUANT TO THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD OF SUCH RETIREMENT SYSTEM, PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT.

S 3. Section 513 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

I. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF A TEACHERS' RETIREMENT SYSTEM SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL BE ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE OTHER THAN MILITARY SERVICE RENDERED IN THE EMPLOY OF THE FEDERAL GOVERNMENT, INCLUDING SERVICE IN THE PEACE CORPS, VISTA, OR HEAD START, WHICH WOULD CONSTITUTE SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE, PROVIDED SUCH MEMBER MAKES THE PAYMENTS REQUIRED PURSUANT TO THE PROVISIONS OF SECTION FIVE HUNDRED SEVENTEEN OF THIS ARTICLE. THE CREDITING OF SERVICE PURSUANT TO THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD OF SUCH RETIREMENT SYSTEM, PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT.

S 4. Section 609 of the retirement and social security law is amended by adding a new subdivision h to read as follows:

H. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER OF A TEACHERS' RETIREMENT SYSTEM SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL BE ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE OTHER THAN MILITARY SERVICE RENDERED IN THE EMPLOY OF THE FEDERAL GOVERNMENT, INCLUDING SERVICE IN THE PEACE CORPS, VISTA, OR HEAD START, WHICH WOULD CONSTITUTE SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN EMPLOYER SUBJECT TO THE PROVISIONS OF THIS ARTICLE, PROVIDED SUCH MEMBER MAKES THE PAYMENTS REQUIRED PURSUANT TO THE PROVISIONS OF SECTION SIX HUNDRED THIRTEEN OF THIS ARTICLE AND PARAGRAPH TWO OF SUBDIVISION B OF THIS SECTION. THE CREDITING OF SERVICE PURSUANT TO THIS SUBDIVISION SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD OF SUCH RETIREMENT SYSTEM, PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT.

S 5. Subparagraph (d) of paragraph 3 of subdivision a of section 13-505 of the administrative code of the city of New York is amended to read as follows:

(d) Credit for such prior service up to a maximum of fifteen years shall be given only if application and payment therefor is made by the contributor within the first four years subsequent to membership in the New York city teachers' retirement system or before December thirty-first, [nineteen hundred sixty-nine] TWO THOUSAND ELEVEN, whichever is later.

S 6. Subdivision a of section 13-505 of the administrative code of the city of New York is amended by adding a new paragraph 10 to read as follows:

10. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER SHALL BE ENTITLED TO OBTAIN CREDIT FOR UP TO TEN YEARS OF SERVICE OTHER THAN MILITARY SERVICE RENDERED IN THE EMPLOY OF THE FEDERAL GOVERNMENT, INCLUDING SERVICE IN THE PEACE CORPS, VISTA, OR HEAD START, WHICH WOULD CONSTITUTE SERVICE AS A TEACHER, HAD IT BEEN PERFORMED WITHIN NEW YORK STATE FOR AN EMPLOYER SUBJECT TO THE PROVISIONS OF THIS CHAPTER. THE CREDITING OF SERVICE PURSUANT TO THIS PARAGRAPH SHALL BE IN ACCORDANCE WITH RULES AND REGULATIONS AS SHALL BE ADOPTED BY THE RETIREMENT BOARD, PROVIDED THAT SUCH RULES AND REGULATIONS SHALL BE SUBSTANTIALLY EQUIVALENT TO THE RULES AND REGULATIONS OTHERWISE APPLICABLE FOR THE CREDITING OF SERVICE PURSUANT TO THIS SECTION. PROVIDED, HOWEVER, NO SUCH CREDIT SHALL BE ALLOWED FOR ANY SERVICE FOR WHICH THE PERSON IS RECEIVING A BENEFIT OR WILL BE ENTITLED TO RECEIVE A BENEFIT AT ANY FUTURE TIME FROM SOME OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE, IN ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT.

S 7. This act shall take effect June 30, 2010, provided, however, that the amendments to sections 513 and 609 of the retirement and social security law made by sections three and four of this act, respectively, shall expire on the same date as such sections expire pursuant to section 615 of such law.

FISCAL NOTE.--This bill would amend section 509 of the Education Law and sections 446, 513, and 609 of the Retirement and Social Security Law to permit members of the New York State Teachers' Retirement System to claim service credit for up to ten years of federal teaching service (including Vista, Head Start, and the Peace Corps). Payments for such credit must be made by those members subject to Article 14 of the Retirement and Social Security Law in accordance with section 517 of such law and by those members subject to Article 15 of the Retirement and Social Security Law in accordance with section 613 and paragraph 2 of subdivision b of section 609 of such law.

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 2009-27 dated March 9, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.