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

11442--A

I N A S S E M B L Y

June 14, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to alternative retirement benefits for certain members employed by the power authority of the state of New York

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

Section 1. The retirement and social security law is amended by adding a new section 89-x to read as follows:

S 89-X. ALTERNATIVE RETIREMENT BENEFITS FOR QUALIFYING MEMBERS EMPLOYED BY THE POWER AUTHORITY OF THE STATE OF NEW YORK AT THE CHARLES POLETTI 825 MEGAWATT POWERHOUSE. A. DEFINITIONS. FOR PURPOSES OF THIS SECTION:

1. "CHARLES POLETTI 825 MW POWERHOUSE" SHALL MEAN THE POWER AUTHORITY'S OPERATIONS AT THE EIGHT HUNDRED TWENTY-FIVE (NOMINAL) MEGAWATT OIL AND GAS FIRED ELECTRIC GENERATOR POWERHOUSE LOCATED IN THE BOROUGH OF QUEENS, CITY OF NEW YORK WHICH CEASED OPERATION PURSUANT TO AN OPINION AND ORDER OF THE NEW YORK STATE BOARD ON ELECTRIC GENERATION SITING AND THE ENVIRONMENT (CASE 99-F-1627) ISSUED THE SECOND DAY OF OCTOBER, TWO THOUSAND TWO. "CHARLES POLETTI 825 MW POWERHOUSE" SHALL NOT INCLUDE ANY ADMINISTRATION BUILDING, WAREHOUSE, 500 MW COMBINED CYCLE PLANT OR ANY OTHER BUILDING OR STRUCTURE ON THE POLETTI SITE.

2. "OPEN PERIOD" SHALL MEAN THE PERIOD BEGINNING ON THE FIRST DAY OF AUGUST, TWO THOUSAND TEN AND ENDING ON THE FIFTEENTH DAY OF NOVEMBER, TWO THOUSAND TEN.

3. "POWER AUTHORITY" SHALL MEAN THE POWER AUTHORITY OF THE STATE OF NEW YORK CREATED PURSUANT TO TITLE ONE OF ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW.

4. "CREDITABLE SERVICE" SHALL INCLUDE ANY AND ALL SERVICES PERFORMED BY A QUALIFYING MEMBER WHILE A MEMBER OF A PUBLIC RETIREMENT SYSTEM IN THE STATE OF NEW YORK.

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

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5. "QUALIFYING MEMBER" SHALL MEAN ANY MEMBER WHO:

(I) HAS BEEN REPRESENTED BY UWUA, LOCAL 1-2, AN EMPLOYEE ORGANIZATION AS DEFINED BY SUBDIVISION FIVE OF SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE LAW THAT WAS A PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH THE POWER AUTHORITY;

(II) AS OF THE FIRST DAY OF AUGUST, TWO THOUSAND TEN WAS NOT A PROVISIONAL EMPLOYEE AND WAS EMPLOYED BY THE POWER AUTHORITY TO PERFORM JOB DUTIES AT THE CHARLES POLETTI 825 MW POWERHOUSE IN ONE OF THE FOLLOWING JOB TITLES UNDER SUCH COLLECTIVE BARGAINING AGREEMENT: OPERATING MECHANIC A, CONTROL OPERATOR B, MECHANIC A, CONTROL OPERATION A, RECORDS AND DOCUMENT CLERK, OR SENIOR ELECTRICAL TECHNICIAN (NOT ASSIGNED TO METERING ENGINEERING); AND

(III) ON OR BEFORE THE FIFTEENTH DAY OF NOVEMBER, TWO THOUSAND TEN REACHED FIFTY YEARS OF AGE.

B. ELIGIBILITY. 1. ANY QUALIFYING MEMBER SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION. SUCH ELIGIBILITY SHALL BE AN ALTERNATIVE TO THE ELIGIBILITY PROVISIONS AVAILABLE UNDER ANY OTHER PLAN OF THIS ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.

2. ANY SUCH QUALIFYING MEMBER SHALL BE ELIGIBLE TO RETIRE PURSUANT TO THIS SECTION WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT AFTER THE COMPLETION OF TWENTY-FIVE YEARS OF CREDITABLE SERVICE BY FILING AN APPLICATION THEREFOR WITH THE COMPTROLLER DURING THE OPEN PERIOD NOT LESS THAN THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF RETIREMENT IN A MANNER SIMILAR TO THAT PROVIDED IN SECTION SEVENTY OF THIS ARTICLE.

3. NO QUALIFYING MEMBER SHALL BE REASSIGNED FROM THE CHARLES POLETTI 825 MW POWERHOUSE TO ANY OTHER LOCATION AT POLETTI AFTER MARCH FIRST, TWO THOUSAND TEN UNLESS AWARDED A POSITION IN CONNECTION WITH THE BIDDING PROCESS UNDER THE COLLECTIVE BARGAINING AGREEMENT.

C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT A MEMBER, WHO DOES NOT RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION, FROM UTILIZING SERVICE WHICH IS CREDITABLE SERVICE PURSUANT TO THE PROVISIONS OF THIS SECTION FOR SERVICE CREDIT FOR ANY OTHER PLAN OF THIS ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.

S 2. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 295 of the laws of 2007, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retirement for disability, unless he is a policeman, an investigator member of the New York city employees' retirement system, fireman, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws of nineteen hundred ninety-eight, of this chapter, sanitation man, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chap-

ter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal or chief fire marshal employed by the county of Nassau as defined in section eighty-nine-w of this chapter and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age OR IS A QUALIFYING MEMBER AS DEFINED IN SUBDIVISION A OF SECTION EIGHTY-NINE-X OF THIS CHAPTER. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of

section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a policeman or investigator member of the New York city employees' retirement system or a fireman, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, he may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the benefit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

S 3. Section 603 of the retirement and social security law is amended by adding a new subdivision u to read as follows:

U. THE SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE SHALL BE PAYABLE TO QUALIFYING MEMBERS AS DEFINED IN SUBDIVISION A OF SECTION EIGHTY-NINE-X OF THIS CHAPTER IF SUCH QUALIFYING MEMBERS HAVE MET THE MINIMUM TWENTY-FIVE YEARS CREDITABLE SERVICE REQUIREMENT AS DEFINED IN SUCH SECTION UPON RETIREMENT. ANY SUCH QUALIFYING MEMBER SHALL BE ENTITLED TO RETIRE BY FILING AN APPLICATION THEREFOR DURING THE OPEN PERIOD AS DEFINED IN SECTION EIGHTY-NINE-X OF THIS CHAPTER, IN A MANNER SIMILAR TO THAT PROVIDED IN SECTION SEVENTY OF THIS CHAPTER.

S 4. Section 604 of the retirement and social security law is amended by adding a new subdivision u to read as follows:

U. THE SERVICE RETIREMENT BENEFIT FOR A MEMBER WHO IS A QUALIFYING MEMBER AS DEFINED IN SUBDIVISION A OF SECTION EIGHTY-NINE-X OF THIS CHAPTER SHALL BE A PENSION EQUAL TO ONE-FIFTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF QUALIFYING SERVICE, AS DEFINED IN SECTION EIGHTY-NINE-X OF THIS CHAPTER, AT THE COMPLETION OF AT LEAST TWENTY-FIVE YEARS OF SUCH SERVICE.

S 5. This act shall take effect immediately.

FISCAL NOTE.--This bill will create new Sections 89-x, 603(u) and 604(u) of the Retirement and Social Security Law which will provide a new retirement benefit for employees of the New York Power Authority who are employed at the Charles Poletti Power Project. This new benefit will be available to such members who are at least age fifty, who have at least twenty-five years of service credit, and who retire between August 1, 2010 and November 1, 2010. This new benefit will be 2% of Final Average Salary for each year of service credit.

If this bill is enacted, it is estimated that there will be an immediate past service cost of approximately $2.57 million which will be borne by the New York Power Authority as a one time payment on February 1, 2011.

This cost is based on a list of sixteen eligible members supplied to us by the New York Power Authority. If other members became affected, this cost will change.

This estimate, dated December 10, 2009 and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-51, prepared by the Actuary for the New York State and Local Employees' Retirement System.