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

3327

2009-2010 Regular Sessions

I N A S S E M B L Y

January 26, 2009

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. GORDON -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to retirement benefits for certain direct care workers employed by not-for-profit office of mental retardation and developmental disabilities providers

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

Section 1. The mental hygiene law is amended by adding a new section 41.60 to read as follows:

S 41.60 ADDITIONAL EXPENDITURES RELATED TO RETIREMENT BENEFITS.

THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES SHALL ANNUALLY REIMBURSE LICENSED NOT-FOR-PROFIT CORPORATIONS, WHICH PROVIDE DIRECT CARE TO CONSUMERS OF SERVICES APPROVED BY THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, FOR THE COST OF EMPLOYER CONTRIBUTIONS TO A RETIREMENT BENEFIT FUND GOVERNED BY THE PROVISIONS OF THE FEDERAL EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974, AS AMENDED. SUCH REIMBURSEMENT SHALL COMMENCE ON THE FIRST DAY OF APRIL OF THE CALENDAR YEAR FOLLOWING THE SUBMISSION BY SUCH CORPORATION OF THE FEDERAL INTERNAL REVENUE SERVICE FORM 5500 WHICH DOCUMENTS THAT SUCH EMPLOYER CONTRIBUTIONS WERE MADE. ANY SUCH CORPORATION MAY APPLY TO THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES FOR EXPEDITED REIMBURSEMENT OF SUCH EMPLOYER CONTRIBUTIONS UPON DEMONSTRATING TO SUCH OFFICE THAT SUCH PAYMENTS MUST BE MADE PROMPTLY, AND THAT THE CORPORATION CANNOT REASONABLY MAKE PROMPT PAYMENT. THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES SHALL NOT REIMBURSE ANY AMOUNT WHICH EXCEEDS TEN PERCENT OF THE EMPLOYER'S TOTAL PAYROLL ON DECEMBER THIRTY-FIRST OF ANY YEAR IN WHICH CONTRIBUTIONS ARE MADE.

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

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

LBD06857-01-9