

5849

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. DESTITO, PERALTA, COLTON, PHEFFER, GABRYSZAK, GORDON, BENJAMIN, BRADLEY, HOYT, GUNTHER, MAGEE, CALHOUN, TOWNSEND, SAYWARD, SCHROEDER, KOON -- Multi-Sponsored by -- M. of A. AUBRY, CUSICK, HEASTIE, JOHN, SCOZZAFAVA -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to retirement and benefits for certain employees

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

1 Section 1. Subparagraph (a) of paragraph 2 of subdivision a of section
2 600 of the retirement and social security law, as amended by chapter 421
3 of the laws of 2006, is amended to read as follows:

4 (a) Members in the uniformed personnel in institutions under the
5 jurisdiction of the department of correctional services of New York
6 state UNLESS AN ELECTION IS MADE PURSUANT TO SECTION SEVEN HUNDRED ONE
7 OF THIS CHAPTER, other than certain persons as defined in this section
8 or the New York city department of correction.

9 S 2. The article heading of article 17 of the retirement and social
10 security law, as added by chapter 578 of the laws of 1989, is amended to
11 read as follows:

12 ELECTION OF ARTICLE FOURTEEN OR FIFTEEN

13 S 3. Subdivision c of section 700 of the retirement and social securi-
14 ty law, as added by chapter 578 of the laws of 1989, is amended to read
15 as follows:

16 c. [Such] EXCEPT AS PROVIDED IN SECTION SEVEN HUNDRED ONE OF THIS
17 ARTICLE, SUCH election shall be in writing, shall be duly executed and
18 filed with the comptroller and shall be irrevocable as long as such
19 member is in a title defined in subdivision i of section eighty-nine of
20 this chapter. The election shall be filed on or before December thirty-
21 first, nineteen hundred eighty-nine or within one year after such person
22 becomes employed in such title, whichever date is later.

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

LBD03447-03-9

1 S 4. The retirement and social security law is amended by adding a new
2 section 701 to read as follows:

3 S 701. ELECTION OF THE PROVISIONS OF ARTICLE FIFTEEN BY CERTAIN
4 MEMBERS. A. THIS SECTION SHALL APPLY TO A MEMBER OF THE NEW YORK STATE
5 AND LOCAL EMPLOYEES' RETIREMENT SYSTEM WHO JOINED OR REJOINED SUCH
6 SYSTEM ON OR AFTER JULY TWENTY-SEVENTH, NINETEEN HUNDRED SEVENTY-SIX AND
7 WHO IS IN A TITLE DEFINED IN SUBDIVISION I OF SECTION EIGHTY-NINE OF
8 THIS CHAPTER.

9 B. A MEMBER MAY, BY FILING AN ELECTION AS SPECIFIED IN SUBDIVISION C
10 OF THIS SECTION, ELECT TO HAVE HIS OR HER RETIREMENT BENEFITS CALCULATED
11 AND RETIRE PURSUANT TO ARTICLE FIFTEEN OF THIS CHAPTER.

12 C. SUCH ELECTION SHALL BE IN WRITING, SHALL BE DULY EXECUTED AND FILED
13 WITH THE COMPTROLLER AND SHALL BE IRREVOCABLE. SUCH ELECTION SHALL BE
14 MADE PRIOR TO SERVICE RETIREMENT FOR ANY MEMBER ELIGIBLE PURSUANT TO THE
15 PROVISIONS OF SUBDIVISION A OF THIS SECTION.

16 S 5. All past service costs incurred due to the enactment of this
17 legislation will be borne by the state of New York. The state of New
18 York may elect to amortize this past service cost over a five or ten
19 year period.

20 S 6. This act shall take effect immediately provided that the amend-
21 ments made to subparagraph (a) of paragraph 2 of subdivision a of
22 section 600 of the retirement and social security law by section one of
23 this act shall expire on the same date as such section expires pursuant
24 to section 615 of such law.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow Tier 3 State Correction Officers and Tier 3 and
4 Security Hospital Treatment Assistants to become eligible to receive
benefits under the provisions of Article 15 of the Retirement and Social
Security Law in addition to the half-pay plan at 25 years benefit.

If this bill is enacted, there will be an immediate past service cost
of approximately \$126 million which would be borne by the State of New
York as a one-time payment. This estimate is based on the assumption
that payment will be made on March 1, 2010. If the State of New York
elects to amortize the past service cost over a period of five (5) or
ten (10) years, the past service cost for the first year including
interest, would be approximately \$29.2 million or \$17.4 million, respec-
tively.

There will not be an increase in the annual contributions of the State
of New York for the fiscal year ending March 31, 2010.

These estimated costs are based on twenty-two thousand six hundred and
thirteen (22,613) Tier 3 Correction Officers and Security Hospital
Treatment Assistants with a total annual salary of approximately \$1.3
billion for the fiscal year ending March 31, 2008.

This estimate, dated February 13, 2009, and intended for use only
during the 2009 Legislative Session, is Fiscal Note No. 2009-138,
prepared by the Actuary for the New York State and Local Employees'
Retirement System.