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

8225

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. ABBATE, PHEFFER, PERRY -- Multi-Sponsored by -- M. of A. SALADINO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the education law and the administrative code of the city of New York, in relation to giving members of a teachers' retirement system who were laid off during the fiscal crisis the right to buy back pension credit

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 TO THE CONTRARY, A MEMBER SUBJECT TO THE PROVISIONS OF THIS ARTICLE OR OF ARTICLE FOURTEEN OR FIFTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, WHO WAS FORMERLY A MEMBER OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM AND WHO WAS SUSPENDED ON OR AFTER JULY FIRST, NINETEEN HUNDRED SEVENTY-FIVE BUT PRIOR TO SEPTEMBER FIRST, NINETEEN HUNDRED EIGHTY BECAUSE OF ECONOMY MEASURES TAKEN BY THE CITY OF NEW YORK, MAY OBTAIN SERVICE CREDIT FOR RETIREMENT PURPOSES FOR UP TO, BUT NO MORE THAN TWO YEARS OF SUCH PERIOD OF SUSPENSION. A MEMBER ELIGIBLE TO RECEIVE SERVICE CREDIT PURSUANT TO THIS PARAGRAPH MUST PAY TO THE RETIREMENT SYSTEM THE AMOUNT OF THE EMPLOYEE CONTRIBUTIONS REQUIRED TO HAVE BEEN PAID INTO THE RETIREMENT SYSTEM FOR SUCH SERVICE WITHIN ONE YEAR FROM THE EFFECTIVE DATE OF THIS PARAGRAPH AND NO MEMBER SHALL BE ELIGIBLE FOR SERVICE CREDIT UNDER THIS PARAGRAPH IF HE OR SHE PREVIOUSLY RECEIVED CREDIT FOR RETIREMENT PURPOSES FOR THE SAME PERIOD FROM ANY OTHER PUBLIC OR PRIVATE RETIREMENT SYSTEM OR PLAN IN THIS STATE OR ANY OTHER STATE OR FROM THE FEDERAL GOVERNMENT.

S 2. Paragraph 9 of subdivision a of section 13-505 of the administrative code of the city of New York, as added by chapter 470 of the laws of 2001, is amended to read as follows:

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

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9. Notwithstanding any other law to the contrary, a member who has received service credit for seniority and length of service purposes pursuant to subdivision eight of section eighty of the civil service law, shall receive service credit for retirement purposes for the same period provided the member pays into the annuity savings fund of the retirement system the amount of the employee contributions required to have been paid into the retirement system for such service, within one year [from the date this paragraph shall have taken effect] OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS PARAGRAPH, and further provided that the member has not previously received credit for retirement purposes for the same period.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after June 30, 2009.

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

This bill adds a new paragraph d to subdivision 2 of section 509 of the Education Law to allow former members of the New York City Teachers' Retirement System, who were suspended on or after July first, nineteen hundred seventy-five and before September first, nineteen hundred eighty because of fiscal measures taken by the city of New York, to obtain service credit for retirement purposes for up to two years of such period of suspension. The member must not have previously received retirement service credit for this period. In addition, the member must pay the New York State Teachers' Retirement System the amount of the employee contributions required for such service credit within one year from the effective date of this act.

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 additional cost to the employers of members of the New York State Teachers' Retirement System is estimated to be $18,900 per year of service credited if this bill is enacted.

The source of this estimate is Fiscal Note 2009-32 dated March 13, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.