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

8586--A

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. FIELDS, SALADINO, REILLY, RAIA, GALEF, SPANO, McDONOUGH, HOOPER -- Multi-Sponsored by -- M. of A. BOYLE, CASTRO, CONTE, MAISEL -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 the employment of retired persons as superintendents of schools

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

1 Section 1. Section 211 of the retirement and social security law is
2 amended by adding a new subdivision 4-a to read as follows:
3 4-A. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, A
4 RETIRED PERSON EMPLOYED UNDER THIS SECTION BY A SCHOOL DISTRICT TO SERVE
5 AS THE SUPERINTENDENT OF SCHOOLS FOR SUCH SCHOOL DISTRICT SHALL NOT
6 SERVE AS SUCH SUPERINTENDENT FOR MORE THAN ONE YEAR. ON OR BEFORE THE
7 CONCLUSION OF SUCH ONE YEAR PERIOD SUCH SCHOOL DISTRICT SHALL FILL THE
8 POSITION OF SUPERINTENDENT OF SCHOOLS WITH A NON-RETIRED PERSON ON A
9 PERMANENT BASIS.
10 (B) THE COMMISSIONER OF EDUCATION MAY GRANT A WAIVER FROM THE
11 PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION TO ANY SCHOOL DISTRICT
12 THAT DEMONSTRATES TO SUCH COMMISSIONER THAT AFTER DUE DILIGENCE A SUIT-
13 ABLE CANDIDATE TO FILL THE POSITION OF SUPERINTENDENT OF SCHOOLS HAS NOT
14 BEEN FOUND AND THAT COMPLIANCE WITH PARAGRAPH (A) OF THIS SUBDIVISION
15 SHALL CONSTITUTE SUBSTANTIAL HARDSHIP TO SUCH SCHOOL DISTRICT. THE
16 COMMISSIONER OF EDUCATION SHALL DETERMINE THE MANNER AND FORM IN WHICH A
17 SCHOOL DISTRICT SHALL APPLY FOR A WAIVER PURSUANT TO THIS PARAGRAPH.
18 S 2. This act shall take effect on the ninetieth day after it shall
19 have become a law.

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

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