

9125

2009-2010 Regular Sessions

I N A S S E M B L Y

September 4, 2009

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize John P. O'Leary to apply for retroactive membership in the New York state and local employees' retirement system

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

1 Section 1. Notwithstanding any provision of law to the contrary, John
2 P. O'Leary who was employed as a county legislator by the county of
3 Westchester, a participating employer of the New York state and local
4 employees' retirement system, from January 1, 1976 until June 30, 1985,
5 and who submitted an application to join such retirement system in January
6 1976, and who was not deemed to have joined such system until March
7 13, 1986, while employed by the state Senate, and who, for reasons not
8 ascribable to his own negligence, was not deemed to have joined the New
9 York state and local employees' retirement system on January 1, 1976,
10 shall be deemed to have joined such retirement system on such date, if
11 on or before the thirty-first of December next succeeding the date on
12 which it shall have become a law, he shall submit to the state comptroller
13 an application for such membership and proof of employment by
14 the county of Westchester from 1976 until 1985. Upon the granting of
15 retroactive membership in the New York state and local employees'
16 retirement system pursuant to this section, John P. O'Leary shall be
17 deemed to be a Tier II member of such retirement system, and shall be
18 entitled to all the rights and benefits of such a membership.

19 S 2. Notwithstanding any other provision of law, no employee contributions
20 shall be returned to John P. O'Leary. Such employee contributions
21 shall be used to offset any past service costs incurred due to the
22 implementation of the provisions of this act.

23 S 3. All past service costs of implementing the provisions of this act
24 shall be borne by the county of Westchester.

25 S 4. This act shall take effect immediately.

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

LBD08242-02-9

FISCAL NOTE.--This bill would deem John P. O'Leary, a former member of the New York State and Local Employees' Retirement System, to have joined such system on January 1, 1976 thereby granting him Tier 2 membership. This will provide a benefit that was not otherwise payable.

If this bill is enacted, there will be an immediate past service cost of approximately \$59,800 which will be borne by Westchester County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated March 27, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-195, prepared by the Actuary for the New York State and Local Employees' Retirement System.