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

1023

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT in relation to providing a waiver of retiree earnings limitations for any person age sixty-eight or older in a calendar year who retired on or before November 9, 1994 who is or who becomes employed in the office of the public advocate of the city of New York and who is otherwise entitled to receive pension benefits from the New York city police pension fund subchapter 2

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

Section 1. Subject to the following conditions and notwithstanding any other provision of general or special law, local law and/or charter, the earnings limitations contained in any such general or special law, local law and/or charter and applicable to the employment of persons in a position or positions in public service in any calendar year while retired and receiving a retirement allowance shall not apply to any person during the whole of any calendar year beginning with the calendar year in which this act shall have become a law or the calendar year in which an election is first made pursuant to this act, whichever is the later, who meets all of the following requirements; such person may continue as retired and without loss, suspension or diminution of his or her retirement allowance, provided: (a) during that calendar year such person has attained or will attain 68 years of age or older, (b) such person retired on or before November 9, 1994 while a member of the New York city police pension fund, subchapter 2, (c) such person is or during the calendar year becomes employed in the office of the public advocate of the city of New York, (d) such person is entitled to receive a retirement allowance from such police pension fund immediately prior to the commencement date of such employment in the office of the public advocate of the city of New York, and (e) such retired person who is or becomes employed subject to this act executes and files with the New

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

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York city police pension fund, subchapter 2, within 60 days after the commencement date of such employment, or if employed in the office of public advocate of the city of New York on the date this act shall have become a law, within 60 days after the date this act shall have become a law, a statement that such person elects to have the provisions of this act apply to such person. A statement of election executed and filed pursuant to this act may be withdrawn by such person at any time by a statement executed and filed with such police pension fund.

S 2. This act shall take effect immediately and shall be deemed to apply as provided in, and subject to the terms and conditions of, section one of this act.