

2271

2009-2010 Regular Sessions

I N S E N A T E

February 17, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to service award programs for volunteer firefighters

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

1 Section 1. Paragraph (e) of subdivision 3 of section 216 of the
2 general municipal law, as amended by chapter 714 of the laws of 2006, is
3 amended to read as follows:
4 (e) Except as otherwise provided in this paragraph once a service
5 award program has been established, it may be abolished or amended in
6 the same manner as it was created in accordance with the provisions of
7 this article by following the procedures set forth in subdivision one or
8 two of this section. The point system adopted by the governing board of
9 the sponsor of a service award program pursuant to subdivision (c) of
10 section two hundred seventeen of this article may be amended by the
11 affirmative vote of at least sixty percent of such governing board,
12 without referendum, provided, that, consistent with the provisions of
13 subdivision (c) of section two hundred seventeen OF THIS ARTICLE, the
14 only effect of the amendment is to decrease the number of points granted
15 for the performance of an activity, increase the amount of an activity
16 required to earn the points granted for the performance of the activity,
17 or both. Any amendment to a service award program shall only take
18 effect as of the first day of January next succeeding completion of the
19 proceedings required for adoption of the amendment and shall only apply
20 prospectively, PROVIDED, THAT AN AMENDMENT OF A SERVICE AWARD PROGRAM
21 ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (N) OF SECTION
22 TWO HUNDRED SEVENTEEN OF THIS ARTICLE IN ORDER TO BRING THE SERVICE
23 AWARD PROGRAM INTO COMPLIANCE WITH THE AGE DISCRIMINATION IN EMPLOYMENT
24 ACT OF 1967 (29 USCA SECTION 621, ET SEQ.) MAY BE ADOPTED BASED ON THE
25 AFFIRMATIVE VOTE OF AT LEAST SIXTY PERCENT OF SUCH GOVERNING BOARD,

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

LBD04606-01-9

1 WITHOUT REFERENDUM, AND THAT SUCH AMENDMENT MAY BE APPLIED RETROACTIVELY
2 IN ORDER TO PROVIDE RETROACTIVE BENEFITS TO PARTICIPANTS IN THE PROGRAM
3 THAT WERE DENIED THE OPPORTUNITY TO EARN CREDIT AND YEARS OF SERVICE
4 AFTER THE ENTITLEMENT AGE WITHOUT BEING GIVEN THE OPTION AT THE ENTITLE-
5 MENT AGE TO EITHER CONTINUE EARNING YEARS OF CREDIT OR COMMENCE THE
6 RECEIPT OF BENEFITS PAYMENTS.

7 S 2. Subdivision 9 of section 216-a of the general municipal law, as
8 added by chapter 550 of the laws of 1995 and as renumbered by chapter
9 452 of the laws of 2004, is amended to read as follows:

10 9. Except as otherwise provided in this subdivision, any provision of
11 an agreement to jointly sponsor a service award program for the volun-
12 teer firefighters of a special fire company or department may be amended
13 upon the affirmative vote of at least sixty percent of the governing
14 board of each political subdivision which is a party to the agreement
15 without referendum. Amendments to the provisions of the agreement
16 required by paragraphs (h), (i) and (j) of subdivision three of this
17 section shall only be made upon the affirmative vote of at least sixty
18 percent of the governing board of each such political subdivision,
19 subject to a mandatory referendum of the eligible voters within each
20 such political subdivision, PROVIDED THAT AN AMENDMENT OF THE PROVISIONS
21 OF AN AGREEMENT TO JOINTLY SPONSOR A SERVICE AWARD PROGRAM FOR THE
22 VOLUNTEER FIREFIGHTERS OF A SPECIAL FIRE COMPANY OR DEPARTMENT ADOPTED
23 IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION (N) OF SECTION TWO
24 HUNDRED SEVENTEEN OF THIS ARTICLE IN ORDER TO BRING THE SERVICE AWARD
25 PROGRAM/AGREEMENT INTO COMPLIANCE WITH THE AGE DISCRIMINATION IN EMPLOY-
26 MENT ACT OF 1967 (29 USCA SECTION 621, ET SEQ.), MAY BE ADOPTED BASED ON
27 THE AFFIRMATIVE VOTE OF AT LEAST SIXTY PERCENT OF SUCH GOVERNING BOARD
28 OF EACH SUCH POLITICAL SUBDIVISION, WITHOUT REFERENDUM, AND THAT SUCH
29 AMENDMENT MAY BE APPLIED RETROACTIVELY IN ORDER TO PROVIDE RETROACTIVE
30 BENEFITS TO PARTICIPANTS IN THE PROGRAM THAT WERE DENIED THE OPPORTUNITY
31 TO EARN CREDIT AND YEARS OF SERVICE AFTER THE ENTITLEMENT AGE WITHOUT
32 BEING GIVEN THE OPTION AT THE ENTITLEMENT AGE TO EITHER CONTINUE EARNING
33 YEARS OF CREDIT OR COMMENCE THE RECEIPT OF BENEFITS PAYMENTS.

34 S 3. Subdivision (n) of section 217 of the general municipal law, as
35 added by chapter 647 of the laws of 2003, is amended to read as follows:

36 (n) An active volunteer firefighters' service award program may
37 provide for the crediting of years of active firefighting service for
38 periods after an active volunteer firefighter has reached the entitle-
39 ment age and is receiving a service award. AN ACTIVE VOLUNTEER FIRE-
40 FIGHTERS' SERVICE AWARD PROGRAM MAY PROVIDE FOR THE CREDITING OF YEARS
41 OF ACTIVE FIREFIGHTING SERVICE FOR PERIODS AFTER AN ACTIVE VOLUNTEER
42 FIREFIGHTER HAS REACHED THE ENTITLEMENT AGE AS PART OF AN ENTITLEMENT
43 AGE POLICY THAT PERMITS THE PARTICIPANT TO MAKE AN ELECTION STARTING AT
44 THE ENTITLEMENT AGE TO EITHER COMMENCE THE RECEIPT OF BENEFITS OR
45 CONTINUE TO EARN YEARS OF FIREFIGHTING SERVICE CREDIT. THE SPONSOR, OR
46 THE SPONSORS WHEN MORE THAN ONE POLITICAL SUBDIVISION IS PARTICIPATING
47 IN AN AGREEMENT TO OPERATE A PROGRAM, MAY AMEND A SERVICE AWARD PROGRAM
48 OR AGREEMENT TO PROVIDE A SERVICE AWARD PROGRAM UNDER THIS SUBDIVISION
49 IN ORDER TO BRING THE SERVICE AWARD PROGRAM INTO COMPLIANCE WITH THE AGE
50 DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (29 USCA SECTION 621, ET SEQ.)
51 BASED ON THE AFFIRMATIVE VOTE OF AT LEAST SIXTY PERCENT OF SUCH GOVERN-
52 ING BOARD OR BOARDS WITHOUT REFERENDUM, AND THAT SUCH AMENDMENT MAY BE
53 APPLIED RETROACTIVELY IN ORDER TO PROVIDE RETROACTIVE BENEFITS TO
54 PARTICIPANTS IN THE PROGRAM THAT WERE DENIED THE OPPORTUNITY TO EARN
55 CREDIT AND YEARS OF SERVICE AFTER THE ENTITLEMENT AGE WITHOUT BEING

1 GIVEN THE OPTION AT THE ENTITLEMENT AGE TO EITHER CONTINUE EARNING YEARS
2 OF CREDIT OR COMMENCE THE RECEIPT OF BENEFITS PAYMENTS.

3 S 4. Subdivision (b) of section 218 of the general municipal law, as
4 amended by chapter 452 of the laws of 2004, is amended to read as
5 follows:

6 (b) The sponsor of a defined contribution plan shall contribute to the
7 plan a fixed amount of money, as determined by the sponsor, on behalf of
8 each participant who is credited with a year of service. The minimum and
9 maximum contribution requirements for a defined contribution service
10 award program shall be as follows. The minimum contribution shall be one
11 hundred twenty dollars per year of service. The maximum contribution
12 shall be seven hundred dollars per year of service. The maximum number
13 of years of service for which a participant may receive a contribution
14 shall be forty years. The sponsor shall appropriate annually an amount
15 sufficient to pay the contributions. THE ANNUAL APPROPRIATION MAY
16 INCLUDE SUCH AMOUNTS AS NECESSARY TO FUND THE PAYMENT OF RETROACTIVE
17 BENEFITS DESCRIBED IN SUBDIVISION (N) OF SECTION TWO HUNDRED SEVENTEEN
18 OF THIS ARTICLE.

19 S 5. Subdivision (d) of section 219 of the general municipal law, as
20 amended by chapter 648 of the laws of 2003, is amended to read as
21 follows:

22 (d) The governing board shall engage the services of an actuary for
23 the purpose of determining the annual amount required to be contributed
24 to a defined benefit service award program, which amount shall be based
25 on the interest and mortality tables or other appropriate assumptions
26 and methods selected by actuary. The sum so determined shall be appro-
27 priated annually by the political subdivision. The governing board may
28 also retain an actuary to provide advice with respect to any other
29 aspect of the program. THE ANNUAL APPROPRIATION MAY INCLUDE SUCH AMOUNTS
30 AS NECESSARY TO FUND THE PAYMENT OF RETROACTIVE BENEFITS DESCRIBED IN
31 SUBDIVISION (N) OF SECTION TWO HUNDRED SEVENTEEN OF THIS ARTICLE.

32 S 6. This act shall take effect immediately.