

3349

2009-2010 Regular Sessions

I N S E N A T E

March 17, 2009

Introduced by Sens. MAZIARZ, ALESI, ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to the retirement of deputy sheriffs-civil in the county of Monroe

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

1 Section 1. The retirement and social security law is amended by adding
2 a new section 89-x to read as follows:
3 S 89-X. RETIREMENT OF DEPUTY SHERIFFS-CIVIL IN MONROE COUNTY. A. A
4 MEMBER EMPLOYED IN MONROE COUNTY SHALL BE ELIGIBLE TO RETIRE PURSUANT TO
5 THE PROVISIONS OF SECTION EIGHTY-NINE-P OF THIS ARTICLE IF THE COUNTY OF
6 MONROE ELECTS TO MAKE THE BENEFITS PROVIDED IN SECTION EIGHTY-NINE-P OF
7 THIS ARTICLE AVAILABLE TO THE SHERIFF, UNDERSHERIFFS, DEPUTY SHERIFFS
8 AND CORRECTION OFFICERS OF SUCH COUNTY AND IF HE OR SHE IS A DEPUTY
9 SHERIFF-CIVIL OF SUCH COUNTY. SUCH ELIGIBILITY SHALL BE AN ALTERNATIVE
10 TO THE ELIGIBILITY PROVISIONS AVAILABLE UNDER ANY OTHER PLAN OF THIS
11 ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.
12 B. THE TERM "CREDITABLE SERVICE" SHALL INCLUDE ANY AND ALL SERVICES
13 PERFORMED AS A DEPUTY SHERIFF-CIVIL OF MONROE COUNTY AND OTHER CREDITA-
14 BLE SERVICE AS DEFINED IN SUBDIVISIONS D AND E OF SECTION EIGHTY-NINE-P
15 OF THIS ARTICLE.
16 C. MONROE COUNTY IS AUTHORIZED TO ADOPT A RESOLUTION ON OR BEFORE
17 DECEMBER THIRTY-FIRST, TWO THOUSAND NINE TO EXTEND THE PROVISIONS OF
18 THIS SECTION TO THOSE MEMBERS DEFINED IN SUBDIVISION A OF THIS SECTION.
19 A CERTIFIED COPY OF SUCH RESOLUTION MUST BE FILED WITH THE COMPTROLLER
20 AND MAY CONTAIN AN ELECTION THAT ANY PAST SERVICE COST BE PAID OVER
21 EITHER A FIVE-YEAR OR TEN-YEAR PERIOD. SUCH RESOLUTION SHALL BE ACCOMPA-
22 NIED BY THE AFFIDAVIT OF THE CHIEF EXECUTIVE OFFICER OF MONROE COUNTY
23 THAT THE COUNTY HAS RECEIVED AN ESTIMATE FROM THE RETIREMENT SYSTEM OF
24 THE COST OF THE BENEFIT PROVIDED BY THIS SECTION.

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

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1 D. THE SHERIFF SHALL CERTIFY TO THE COMPTROLLER, PERIODICALLY AND AT
2 SUCH INTERVALS OF TIME AS MAY BE REQUIRED OF HIM OR HER AND IN SUCH
3 FASHION AS MAY BE PRESCRIBED, THE IDENTITY OF THE DEPUTY SHERIFFS-CIVIL
4 OF MONROE COUNTY.

5 E. UNLESS OTHERWISE INDICATED IN THIS SECTION, THE PROVISIONS OF
6 SECTION EIGHTY-NINE-P OF THIS ARTICLE SHALL BE CONTROLLING.

7 S 2. Subdivision a of section 445 of the retirement and social securi-
8 ty law, as amended by chapter 295 of the laws of 2007, is amended to
9 read as follows:

10 a. No member of a retirement system who is subject to the provisions
11 of this article shall retire without regard to age, exclusive of retire-
12 ment for disability, unless he is a policeman, an investigator member of
13 the New York city employees' retirement system, fireman, correction
14 officer, a qualifying member as defined in section eighty-nine-t, as
15 added by chapter six hundred fifty-seven of the laws of nineteen hundred
16 ninety-eight, of this chapter, sanitation man, a special officer
17 (including persons employed by the city of New York in the title urban
18 park ranger or associate urban park ranger), school safety agent, campus
19 peace officer or a taxi and limousine commission inspector member of the
20 New York city employees' retirement system or the New York city board of
21 education retirement system, a dispatcher member of the New York city
22 employees' retirement system, a police communications member of the New
23 York city employees' retirement system, an EMT member of the New York
24 city employees' retirement system, a deputy sheriff member of the New
25 York city employees' retirement system, a correction officer of the
26 Westchester county correction department as defined in section eighty-
27 nine-e of this chapter or employed in Suffolk county as a peace officer,
28 as defined in section eighty-nine-s, as added by chapter five hundred
29 eighty-eight of the laws of nineteen hundred ninety-seven, of this chap-
30 ter, employed in Suffolk county as a correction officer, as defined in
31 section eighty-nine-f of this chapter, or employed in Nassau county as a
32 correction officer, uniformed correction division personnel, sheriff,
33 undersheriff or deputy sheriff, as defined in section eighty-nine-g of
34 this chapter, or employed in Nassau county as an ambulance medical tech-
35 nician, an ambulance medical technician/supervisor or a member who
36 performs ambulance medical technician related services, as defined in
37 section eighty-nine-s, as amended by chapter five hundred seventy-eight
38 of the laws of nineteen hundred ninety-eight, of this chapter, or
39 employed in Nassau county as a peace officer, as defined in section
40 eighty-nine-s, as added by chapter five hundred ninety-five of the laws
41 of nineteen hundred ninety-seven, of this chapter, or employed in Albany
42 county as a sheriff, undersheriff, deputy sheriff, correction officer or
43 identification officer, as defined in section eighty-nine-h of this
44 chapter or is employed in St. Lawrence county as a sheriff, undersher-
45 iff, deputy sheriff or correction officer, as defined in section eight-
46 y-nine-i of this chapter or is employed in Orleans county as a sheriff,
47 undersheriff, deputy sheriff or correction officer, as defined in
48 section eighty-nine-l of this chapter or is employed in Jefferson county
49 as a sheriff, undersheriff, deputy sheriff or correction officer, as
50 defined in section eighty-nine-j of this chapter or is employed in Onon-
51 daga county as a deputy sheriff-jail division competitively appointed or
52 as a correction officer, as defined in section eighty-nine-k of this
53 chapter or is employed in a county which makes an election under subdi-
54 vision j of section eighty-nine-p of this chapter as a sheriff, under-
55 sheriff, deputy sheriff or correction officer as defined in such section
56 eighty-nine-p or is employed in Broome County as a sheriff, undersher-

1 iff, deputy sheriff or correction officer, as defined in section eight-
2 y-nine-m of this chapter or is a Monroe county deputy sheriff-court
3 security, or deputy sheriff-jailor as defined in section eighty-nine-n,
4 as added by chapter five hundred ninety-seven of the laws of nineteen
5 hundred ninety-one, of this chapter or is employed in Greene county as a
6 sheriff, undersheriff, deputy sheriff or correction officer, as defined
7 in section eighty-nine-o of this chapter or is a traffic officer with
8 the town of Elmira as defined in section eighty-nine-q of this chapter
9 or is employed by Suffolk county as a park police officer, as defined in
10 section eighty-nine-r of this chapter or is a peace officer employed by
11 a county probation department as defined in section eighty-nine-t, as
12 added by chapter six hundred three of the laws of nineteen hundred nine-
13 ty-eight, of this chapter or is employed in Rockland county as a deputy
14 sheriff-civil as defined in section eighty-nine-v of this chapter as
15 added by chapter four hundred forty-one of the laws of two thousand one,
16 or is employed in Rockland county as a superior correction officer as
17 defined in section eighty-nine-v of this chapter as added by chapter
18 five hundred fifty-six of the laws of two thousand one, OR IS EMPLOYED
19 IN MONROE COUNTY AS A DEPUTY SHERIFF-CIVIL AS DEFINED IN SECTION EIGHT-
20 Y-NINE-X OF THIS CHAPTER or is a paramedic employed by the police
21 department in the town of Tonawanda and retires under the provisions of
22 section eighty-nine-v of this chapter, as added by chapter four hundred
23 seventy-two of the laws of two thousand one, or is a county fire
24 marshal, supervising fire marshal, fire marshal, assistant fire marshal,
25 assistant chief fire marshal or chief fire marshal employed by the coun-
26 ty of Nassau as defined in section eighty-nine-w of this chapter and is
27 in a plan which permits immediate retirement upon completion of a speci-
28 fied period of service without regard to age. Except as provided in
29 subdivision c of section four hundred forty-five-a of this article,
30 subdivision c of section four hundred forty-five-b of this article,
31 subdivision c of section four hundred forty-five-c of this article,
32 subdivision c of section four hundred forty-five-d of this article,
33 subdivision c of section four hundred forty-five-e of this article,
34 subdivision c of section four hundred forty-five-f of this article and
35 subdivision c of section four hundred forty-five-h of this article, a
36 member in such a plan and such an occupation, other than a policeman or
37 investigator member of the New York city employees' retirement system or
38 a fireman, shall not be permitted to retire prior to the completion of
39 twenty-five years of credited service; provided, however, if such a
40 member in such an occupation is in a plan which permits retirement upon
41 completion of twenty years of service regardless of age, he may retire
42 upon completion of twenty years of credited service and prior to the
43 completion of twenty-five years of service, but in such event the bene-
44 fit provided from funds other than those based on such a member's own
45 contributions shall not exceed two per centum of final average salary
46 per each year of credited service.

47 S 3. Section 603 of the retirement and social security law is amended
48 by adding a new subdivision t to read as follows:

49 T. THE SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED
50 FOUR OF THIS ARTICLE SHALL BE PAYABLE TO MEMBERS WITH TWENTY-FIVE OR
51 MORE YEARS OF CREDITABLE SERVICE, WITHOUT REGARD TO AGE, WHO ARE
52 EMPLOYED AS DEPUTY SHERIFFS-CIVIL IN MONROE COUNTY, AS DEFINED IN
53 SECTION EIGHTY-NINE-X OF THIS CHAPTER IF: (I) SUCH MEMBERS HAVE MET THE
54 MINIMUM SERVICE REQUIREMENTS UPON RETIREMENT, AND (II) IN THE CASE OF A
55 MEMBER SUBJECT TO THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER,
56 SUCH MEMBER FILES AN ELECTION THEREFOR WHICH PROVIDES THAT HE OR SHE

1 WILL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND TO NONE OF THE
2 PROVISIONS OF SUCH ARTICLE FOURTEEN. SUCH ELECTION, WHICH SHALL BE IRRE-
3 VOCABLE, SHALL BE IN WRITING, DULY EXECUTED AND SHALL BE FILED WITH THE
4 COMPTROLLER ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINE OR
5 WITHIN ONE YEAR OF ENTERING INTO SERVICE AS A DEPUTY SHERIFF-CIVIL IN
6 MONROE COUNTY. THE TERM "CREDITABLE SERVICE" SHALL HAVE THE MEANING AS
7 SO DEFINED IN SECTION EIGHTY-NINE-T, AS ADDED BY CHAPTER SIX HUNDRED
8 THREE OF THE LAWS OF NINETEEN HUNDRED NINETY-EIGHT AND SECTION SIX
9 HUNDRED ONE OF THIS CHAPTER.

10 S 4. Section 604 of the retirement and social security law is amended
11 by adding a new subdivision u to read as follows:

12 U. THE EARLY SERVICE RETIREMENT FOR A MEMBER WHO IS EMPLOYED AS A
13 DEPUTY SHERIFF-CIVIL AS DEFINED IN SECTION EIGHTY-NINE-X OF THIS CHAP-
14 TER, SHALL BE A PENSION EQUAL TO ONE-FIFTIETH OF FINAL AVERAGE SALARY
15 TIMES YEARS OF CREDITED SERVICE AT THE COMPLETION OF TWENTY-FIVE YEARS
16 OF SERVICE AS SUCH DEPUTY SHERIFF-CIVIL, BUT NOT EXCEEDING ONE-HALF OF
17 HIS OR HER FINAL AVERAGE SALARY.

18 S 5. The cost attributable to the operation of this act shall be borne
19 by the county of Monroe.

20 S 6. This act shall take effect immediately, provided that the amend-
21 ments made to sections 603 and 604 of the retirement and social security
22 law made by sections three and four of this act respectively shall
23 expire on the same date as such sections expire pursuant to section 615
24 of such law.

FISCAL NOTE.--This bill will allow Deputy Sheriffs-Civil employed by
Monroe County to retire upon completion of twenty-five (25) years of
creditable service. The benefit upon retirement will be an allowance of
one-half of final average salary. There would be no reduction for early
service retirement.

If this bill is enacted, for the six (6) people known to be affected
,we anticipate that there will be an increase of approximately \$6,400 in
the annual contributions of Monroe County for the fiscal year ending
March 31, 2010.

In addition to the annual contributions discussed above, there will be
an immediate past service cost of approximately \$28,100 which will be
borne by Monroe County, assuming a payment date of February 1, 2010. If
this cost is amortized over a period of five (5) or ten (10) years, the
costs for the first year, including interest, will be approximately
\$6,530 or \$3,880, respectively.

This estimate, dated March 3, 2009 and intended for use only during
the 2009 Legislative Session, is Fiscal Note No. 2009-173, prepared by
the Actuary for the New York State and Local Employees' Retirement
System.