

3752

2009-2010 Regular Sessions

I N S E N A T E

March 31, 2009

Introduced by Sen. STACHOWSKI -- 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 credit for public service rendered in the state of New York under the federal Emergency Jobs Appropriation Act prior to becoming a member of a retirement system

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

1 Section 1. Subdivision b of section 41 of the retirement and social  
2 security law is amended by adding a new paragraph 5-a to read as  
3 follows:

4 5-A. PUBLIC SERVICE RENDERED IN THE STATE OF NEW YORK IN NINETEEN  
5 HUNDRED EIGHTY-THREE AND/OR NINETEEN HUNDRED EIGHTY-FOUR IN A POSITION  
6 CREATED OR FILLED PURSUANT TO FEDERAL PUBLIC LAW 98-8, THE EMERGENCY  
7 JOBS APPROPRIATION ACT OF 1983, WITHOUT REGARD TO THE LENGTH OF SUCH  
8 SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE IN COMPLIANCE WITH THE  
9 PROVISIONS OF THIS CHAPTER.

10 S 2. Subdivision b of section 446 of the retirement and social securi-  
11 ty law, as amended by chapter 552 of the laws of 2000, is amended to  
12 read as follows:

13 b. Previous service.

14 A member of a retirement system who is subject to the provisions of  
15 this article shall be eligible to obtain retirement credit for previous  
16 service if retirement credit had previously been granted for such  
17 service or if such service that would have been creditable in one of the  
18 public retirement systems of the state, as defined in subdivision twen-  
19 ty-three of section five hundred one of this chapter, at the time such  
20 service was rendered, if the individual had been a member of such  
21 retirement system and the member has rendered a minimum of two years of  
22 credited service after July first, nineteen hundred seventy-three;  
23 provided, however, retirement credit may be granted for service which  
24 predates the date of entry into the retirement system if such service is  
25 otherwise creditable and was rendered by an employee during which

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

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1 employment he was ineligible to join a public retirement system.  
2 NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, A MEMBER SHALL  
3 BE ELIGIBLE TO OBTAIN RETIREMENT CREDIT FOR PUBLIC SERVICE RENDERED IN  
4 THE STATE OF NEW YORK IN NINETEEN HUNDRED EIGHTY-THREE AND/OR NINETEEN  
5 HUNDRED EIGHTY-FOUR IN A POSITION CREATED OR FILLED PURSUANT TO FEDERAL  
6 PUBLIC LAW 98-8, THE EMERGENCY JOBS APPROPRIATION ACT OF 1983, WITHOUT  
7 REGARD TO THE LENGTH OF SUCH SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE  
8 IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

9 S 3. Paragraph 1 of subdivision b of section 609 of the retirement and  
10 social security law, as amended by chapter 552 of the laws of 2000, is  
11 amended to read as follows:

12 1. A member shall be eligible to obtain retirement credit hereunder  
13 for previous service with a public employer if retirement credit had  
14 previously been granted for such service or if such service which would  
15 have been creditable in one of the public retirement systems of the  
16 state, as defined in subdivision twenty-three of section five hundred  
17 one of this chapter, at the time such service was rendered, if the indi-  
18 vidual had been a member of such retirement system and the member has  
19 rendered a minimum of two years of credited service after July first,  
20 nineteen hundred seventy-six or after last rejoining a public retirement  
21 system, if later; provided, however, retirement credit may be granted  
22 for service which predates the date of entry into the retirement system  
23 if such service is otherwise creditable and the member satisfied the  
24 minimum service requirements set forth in this subdivision and was  
25 rendered by an employee of a public employer during which employment he  
26 was ineligible to join a public retirement system provided that such  
27 public employer was participating in a public retirement system of the  
28 state at the time of such employment, or is so participating at the time  
29 that such credit for such previous service is being sought. NOTWITH-  
30 STANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, A MEMBER SHALL BE  
31 ELIGIBLE TO OBTAIN RETIREMENT CREDIT FOR PUBLIC SERVICE RENDERED IN THE  
32 STATE OF NEW YORK IN NINETEEN HUNDRED EIGHTY-THREE AND/OR NINETEEN  
33 HUNDRED EIGHTY-FOUR IN A POSITION CREATED OR FILLED PURSUANT TO FEDERAL  
34 PUBLIC LAW 98-8, THE EMERGENCY JOBS APPROPRIATION ACT OF 1983, WITHOUT  
35 REGARD TO THE LENGTH OF SUCH SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE  
36 IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

37 S 4. This act shall take effect immediately; provided that the amend-  
38 ments to section 609 of the retirement and social security law made by  
39 section three of this act shall expire on the same date as such section  
40 expires pursuant to section 615 of such law.

FISCAL NOTE.--This bill would amend sections 446 and 609 of the Retirement and Social Security Law to permit members to receive service credit for public service rendered in the state of New York in 1983 and/or 1984 in a position created or filled under the Emergency Jobs Appropriation Act of 1983 regardless of the length of such service. To claim this credit, members must pay the amount they would have had to contribute during this period with regular interest.

It is not possible to determine the total annual cost to the employers of members of the New York State Teachers' Retirement System since the total amount of service credit which would be claimed under this bill cannot be estimated. However, the cost to the employers of members of the New York State Teachers' Retirement System is estimated to be \$18,700 per year of service credited if this bill is enacted.

The source of this estimate is Fiscal Note 2009-34 dated March 20, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.