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

4419

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

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

AN ACT to amend the civil service law, in relation to certain suspension of pensions and annuities during public employment

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

Section 1. Section 150 of the civil service law, as amended by chapter 211 of the laws of 1995, is amended to read as follows:

S 150. Suspension of pension and annuity during public employment. Except as otherwise provided by sections one hundred one, two hundred eleven, and two hundred twelve of the retirement and social security law, section five hundred three of the education law, and except as now provided by any local law or charter, if any person subsequent to his or her retirement from the civil service of the state or of any municipal corporation or political subdivision of the state, shall accept any office, position or employment in the civil service of the state or of any municipal corporation or political subdivision of the state to which any salary or emolument is attached, except jury duty or the office of inspector of election, poll clerk or ballot clerk under the election law, or the office of notary public or commissioner of deeds, or an elective public office, any pension or annuity awarded or allotted to him or her upon retirement, and payable by the state, by such municipal corporation or political subdivision, or out of any fund established by or pursuant to law, shall be suspended during such service or employment and while such person is receiving any salary or emolument therefor except reimbursement for traveling expenses. Notwithstanding the foregoing, if any person, subsequent to his or her retirement from an elective public office, accepts appointment, is re-elected or takes a new oath of office to the same elective public office from which he or she retired, his or her retirement allowance shall be suspended until the date he or

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

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she vacates such elective public office, unless the amount earned for any calendar year for that elective public office does not exceed the earning limitation provided for retired persons in section two hundred twelve of the retirement and social security law. However, for purposes of this section the age [seventy] SIXTY-FIVE unlimited earnings provision of section two hundred twelve of the retirement and social security law will not pertain to any person, subsequent to his or her retirement from an elective public office, if such person accepts appointment, is re-elected or takes a new oath of office to the same elective public office from which he or she retired. PROVIDED, FURTHER, THAT ANY EMPLOYEE WHO, AFTER RETIREMENT, IS HIRED TO THE SAME OR SUBSTANTIALLY SIMILAR POSITION FROM WHICH HE OR SHE RETIRED SHALL HAVE ANY PENSION OR ANNUITY AWARDED OR ALLOTTED TO HIM OR HER UPON RETIREMENT, AND PAYABLE BY THE STATE, OR BY A MUNICIPAL CORPORATION OR POLITICAL SUBDIVISION, OR OUT OF ANY FUND ESTABLISHED BY OR PURSUANT TO LAW, SUSPENDED DURING SUCH SERVICE OR EMPLOYMENT WHILE SUCH PERSON IS RECEIVING SUCH PENSION OR ANNUITY IN AN AMOUNT EQUAL TO OR IN EXCESS OF THE JOB RATE OF SG-24 AS SET FORTH IN PARAGRAPH A OF SUBDIVISION ONE OF SECTION ONE HUNDRED THIRTY OF THIS CHAPTER AS OF APRIL FIRST OF THE YEAR IN WHICH SUCH PERSON IS HIRED UNLESS THE AMOUNT EARNED FOR ANY CALENDAR YEAR FOR SUCH PERSON DOES NOT EXCEED THE EARNING LIMITATION PROVIDED FOR RETIRED PERSONS IN SECTION TWO HUNDRED TWELVE OF THE RETIREMENT AND SOCIAL SECURITY LAW. SUCH SUSPENSION SHALL REMAIN IN EFFECT UNTIL SUCH PERSON ATTAINS THE AGE OF SEVENTY.

S 2. This act shall take effect immediately.