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

4797

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SAVINO -- 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 allowing members of the New York state and local police and fire retirement system to obtain retirement credit for certain periods of child care leave

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

Section 1. The retirement and social security law is amended by adding a new section 341-a to read as follows:

S 341-A. SERVICE CREDIT; CHILD CARE LEAVE. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY MEMBER WHO IS ABSENT WITHOUT PAY FOR CHILD CARE LEAVE OF ABSENCE PURSUANT TO REGULATIONS OF ANY POLICE DEPARTMENT OR FIRE DEPARTMENT IN THE STATE OF NEW YORK SHALL BE ELIGIBLE FOR CREDIT FOR SUCH PERIOD OF CHILD CARE LEAVE, PROVIDED SUCH MEMBER FILES A CLAIM FOR SUCH SERVICE CREDIT WITH THE RETIREMENT SYSTEM BY DECEMBER THIRTY-FIRST, TWO THOUSAND NINE OR WITHIN NINETY DAYS FOLLOWING TERMINATION OF THE CHILD CARE LEAVE, WHICHEVER IS LATER, AND CONTRIBUTES TO THE RETIREMENT SYSTEM AN AMOUNT WHICH SUCH MEMBER WOULD HAVE CONTRIBUTED DURING THE PERIOD OF SUCH CHILD CARE LEAVE, TOGETHER WITH INTEREST THEREON. SERVICE CREDIT PROVIDED PURSUANT TO THIS SECTION SHALL NOT EXCEED ONE YEAR OF CREDIT FOR EACH PERIOD OF AUTHORIZED CHILD CARE LEAVE. IN THE EVENT THERE IS A CONFLICT BETWEEN THE PROVISIONS OF THIS SECTION AND THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, THE PROVISIONS OF THIS SECTION SHALL GOVERN.

ANY SERVICE CREDIT GRANTED PURSUANT TO THIS SECTION SHALL CONSTITUTE:

A. "POLICE OR FIRE SERVICE" AS SUCH TERM IS DEFINED IN SUBDIVISION ELEVEN OF SECTION THREE HUNDRED TWO OF THIS ARTICLE; AND

B. "TOTAL CREDITABLE SERVICE" FOR THE PURPOSE OF DETERMINING ENTITLEMENT TO RETIRE PURSUANT TO A SPECIAL RETIREMENT PLAN SET FORTH IN TITLE TEN OF THIS ARTICLE.

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

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S 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would grant additional service credit for members of the New York State and Local Police and Fire Retirement System who are absent without pay for child care leaves of absence. Such additional service credit shall not exceed one year per period of child care leave. Members would not be required to make any payment for the additional service credit granted by this bill.

The number of members who would be affected by this bill cannot be readily determined.

If this bill is enacted, there would be a past service cost which would depend upon the number of members affected and upon each member's age, salary, credited service, periods of child care leaves, plan coverage and tier. It is estimated that the past service cost will average approximately 20% of an affected member's compensation for each year of additional service. However, for an individual member who purchases this additional service credit to enable immediate retirement, the cost could approach 40% of the member's salary for each year of additional service credit that is purchased. The total cost would be shared by the State of New York and all participating employers in the New York State and Local Police and Fire Retirement System.

This estimate, dated February 23, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-26, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.