

5304

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to authorize the city of Elmira to offer an optional twenty year retirement plan to certain police officers employed by such city

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the city of Elmira, in the county of Chemung, a participating employer
3 in the New York state and local police and fire retirement system, which
4 previously elected to offer the optional twenty year retirement plan,
5 established pursuant to section 384-d of the retirement and social security law,
6 to police officers employed by such city, is hereby authorized
7 to make participation in such plan available to Brooks A. Shaw, Brian
8 J. Williams and Erica LaPierre, police officers employed by the city of
9 Elmira, who, for reasons not ascribable to their own negligence, failed
10 to make timely applications to participate in such optional twenty year
11 retirement plan. The city of Elmira may so elect by filing with the
12 state comptroller, on or before December 31, 2009, a resolution of its
13 local legislative body together with certification that such police
14 officers did not bar themselves from participation in such retirement
15 plan as a result of their own negligence. Thereafter, such police officers
16 may elect to be covered by the provisions of section 384-d of the
17 retirement and social security law, and shall be entitled to the full
18 rights and benefits associated with coverage under such section, by
19 filing a request to that effect with the state comptroller on or before
20 June 30, 2010.

21 S 2. All employer costs associated with implementing the provisions of
22 this act shall be borne by the city of Elmira.

23 S 3. This act shall take effect immediately.

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

In estimating this cost, we have assumed the following:

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

LBD11400-02-9

1. When drafted, the legislation will affect only Officers Brooks A. Shaw, Brian J. Williams, and Erica La Pierre.

2. There are no other full time Police Officers employed by the City of Elmira who are not currently covered by the provisions of Section 384-d who would be affected.

3. The legislation will specify that all past service costs incurred due to its enactment will be paid by the City of Elmira, either as a lump sum or over a five (5) or ten (10) year period, with interest.

If this legislation is enacted during the 2009 legislative session, and Officers Brooks A. Shaw, Brian J. Williams, and Erica La Pierre become covered by the provisions on section 384-d of the Retirement and Social Security law, we anticipate that there will be an increase of approximately \$6,600 in the annual contributions of the City of Elmira for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, we anticipate that there will be an immediate past service cost of approximately \$45,500, assuming payment is made on February 1, 2010. At the City's option, this cost can be paid over a period of five (5) or ten (10) years, with interest. The annual cost will be \$10,600 or \$6,280, respectively.