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

8158--A

I N S E N A T E

June 14, 2010

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the retirement and social security law, in relation to permitting a waiver of earnings limitations for certain retirees of the New York state and local police and fire retirement system employed by the city university of New York

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

Section 1. The education law is amended by adding a new section 6214-a to read as follows:

S 6214-A. SPECIAL PROVISIONS FOR CERTAIN RETIREES. 1. ANY PROVISIONS CONTAINED IN THE GENERAL OR SPECIAL LAW, LOCAL LAW, AND/OR CHARTER, PERTAINING TO EARNINGS LIMITATIONS APPLICABLE TO THE EMPLOYMENT OF INDIVIDUALS IN POSITIONS OF PUBLIC SERVICE IN ANY CALENDAR YEAR WHILE RETIRED AND RECEIVING A RETIREMENT ALLOWANCE, SHALL NOT APPLY TO ANY INDIVIDUAL EMPLOYED BY THE CITY UNIVERSITY OF NEW YORK DURING THE WHOLE OF ANY CALENDAR YEAR BEGINNING WITH THE CALENDAR YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH INDIVIDUAL MAY CONTINUE AS RETIRED WITHOUT LOSS, SUSPENSION OR DIMINUTION OF HIS OR HER RETIREMENT ALLOWANCE PROVIDED, HOWEVER, SUCH INDIVIDUAL SHALL: (A) RETIRE WHILE A MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM OR THE NEW YORK CITY POLICE PENSION FUND; (B) BE ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE FROM SUCH RETIREMENT SYSTEM IMMEDIATELY PRIOR TO THE COMMENCEMENT DATE OF SUCH EMPLOYMENT BY THE CITY UNIVERSITY OF NEW YORK; AND (C) HAVING BEEN HIRED AS A MEMBER OF THE FACULTY, OR AS A COLLEGE OR UNIVERSITY SECURITY DIRECTOR, SHALL HAVE BEEN GRANTED A WAIVER OF RETIREMENT EARNINGS LIMITATION BY THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK.

S 2. The retirement and social security law is amended by adding a new section 211-a to read as follows:

S 211-A. SPECIAL PROVISIONS FOR CERTAIN RETIREES. 1. ANY PROVISIONS CONTAINED IN THE GENERAL OR SPECIAL LAW, LOCAL LAW, AND/OR CHARTER,

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

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PERTAINING TO EARNINGS LIMITATIONS APPLICABLE TO THE EMPLOYMENT OF INDIVIDUALS IN POSITIONS OF PUBLIC SERVICE IN ANY CALENDAR YEAR WHILE RETIRED AND RECEIVING A RETIREMENT ALLOWANCE, SHALL NOT APPLY TO ANY INDIVIDUAL EMPLOYED BY THE CITY UNIVERSITY OF NEW YORK DURING THE WHOLE OF ANY CALENDAR YEAR BEGINNING WITH THE CALENDAR YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION. SUCH INDIVIDUAL MAY CONTINUE AS RETIRED WITHOUT LOSS, SUSPENSION OR DIMINUTION OF HIS OR HER RETIREMENT ALLOWANCE PROVIDED, HOWEVER, SUCH INDIVIDUAL SHALL: (A) RETIRE WHILE A MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM OR THE NEW YORK CITY POLICE PENSION FUND; (B) BE ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE FROM SUCH RETIREMENT SYSTEM IMMEDIATELY PRIOR TO THE COMMENCEMENT DATE OF SUCH EMPLOYMENT BY THE CITY UNIVERSITY OF NEW YORK; AND (C) HAVING BEEN HIRED AS A MEMBER OF THE FACULTY, OR AS A COLLEGE OR UNIVERSITY SECURITY DIRECTOR, SHALL HAVE BEEN GRANTED A WAIVER OF RETIREMENT EARNINGS LIMITATION BY THE CHANCELLOR OF THE CITY UNIVERSITY OF NEW YORK.

S 3. This act shall take effect January 1, 2011.

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

This bill will allow certain retired members of the New York State and Local Police and Fire Retirement System or the New York City Police Pension Fund, to work for the City University of New York and continue to receive their retirement benefit provided they are granted a waiver of retirement earnings limitation by the Chancellor of the City University of New York.

If this bill is enacted, insofar as it will affect the New York State and Local Police and Fire Retirement System, we expect few retirees to be affected. There would be negligible additional annual costs.

This estimate, dated June 24, 2010, and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-177, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.