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

5386

2011-2012 Regular Sessions

I N A S S E M B L Y

February 17, 2011

Introduced by M. of A. GABRYSZAK, SPANO, CASTRO, BARRON, MENG, HOOPER -- Multi-Sponsored by -- M. of A. COOK, MAYERSOHN, PHEFFER, ROBINSON -- read once and referred to the Committee on Governmental Employees

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:

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

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

S 2. Subdivision b of section 446 of the retirement and social security law, as amended by chapter 552 of the laws of 2000, is amended to read as follows:

b. Previous service.

A member of a retirement system who is subject to the provisions of this article shall be eligible to obtain retirement credit for previous service if retirement credit had previously been granted for such service or if such service that would have been creditable in one of the public retirement systems of the state, as defined in subdivision twenty-three of section five hundred one of this chapter, at the time such service was rendered, if the individual had been a member of such retirement system and the member has rendered a minimum of two years of credited service after July first, nineteen hundred seventy-three;

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

LBD07653-02-1

provided, however, retirement credit may be granted for service which predates the date of entry into the retirement system if such service is otherwise creditable and was rendered by an employee during which employment he was ineligible to join a public retirement system. NOTWITHSTANDING ANYTHING IN THIS CHAPTER TO THE CONTRARY, A MEMBER SHALL BE ELIGIBLE TO OBTAIN RETIREMENT CREDIT FOR PUBLIC SERVICE RENDERED IN THE STATE OF NEW YORK IN NINETEEN HUNDRED EIGHTY-THREE AND/OR NINETEEN HUNDRED EIGHTY-FOUR IN A POSITION CREATED OR FILLED PURSUANT TO FEDERAL PUBLIC LAW 98-8, THE EMERGENCY JOBS APPROPRIATION ACT OF 1983, WITHOUT REGARD TO THE LENGTH OF SUCH SERVICE, PROVIDED SUCH SERVICE IS OTHERWISE IN COMPLIANCE WITH THE PROVISIONS OF THIS CHAPTER.

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

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

S 4. This act shall take effect immediately.

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

This bill would grant additional service credit for certain members of public retirement systems who rendered service in 1983 or 1984 in a position created or filled pursuant to the federal Emergency Jobs Appropriations Act of 1983. Members would be required to make any contribution which would have been made during such period of service, together with interest thereon.

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

Insofar as this bill would affect the New York State and Local Employees' Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS), 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, plan coverage and tier. The past service costs will average approximately 12% of an affected member's compensation for each year of additional service in

the ERS and approximately 20% of an affected member's compensation for each year of additional service in the PFRS. These costs would be shared by the State of New York and all participating employers in the ERS and PFRS.

This estimate, dated February 15, 2011, and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-106, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.