

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

5744--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 2011

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 13-256.1 to read as follows:
3 S 13-256.1 DISCHARGE OR DISMISSAL. A. NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, WHEN A MEMBER HAS ATTAINED AT LEAST TWENTY YEARS OF
5 CREDITABLE POLICE SERVICE IN THE RETIREMENT SYSTEM, THE DISCHARGE OR
6 DISMISSAL FROM EMPLOYMENT OF SUCH PERSON SHALL NOT PRECLUDE SUCH PERSON
7 FROM RECEIVING ANY RIGHTS OR BENEFITS TO WHICH HE OR SHE SHALL OTHERWISE
8 BE ENTITLED AS A MEMBER OR RETIRED MEMBER OF THE RETIREMENT SYSTEM NOR
9 UPON RETIREMENT SHALL HIS OR HER BENEFITS BE IN ANY WAY DIMINISHED AS A
10 RESULT OF SUCH DISCHARGE OR DISMISSAL. SUCH MEMBER SHALL BE DEEMED TO
11 BE RETIRED ON THE DATE OF HIS OR HER DISCHARGE OR DISMISSAL FROM SERVICE
12 FOR PURPOSES OF DETERMINING HIS OR HER RIGHTS AND BENEFITS AS A MEMBER
13 OF THE RETIREMENT SYSTEM.
14 B. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SUBDIVISION A OF THIS
15 SECTION, A MEMBER, OTHER THAN A MEMBER TO WHICH ARTICLE FOURTEEN OF THE
16 RETIREMENT AND SOCIAL SECURITY LAW IS APPLICABLE, THAT HAS ATTAINED AT
17 LEAST TWENTY YEARS OF CREDITABLE SERVICE IN THE RETIREMENT SYSTEM SHALL
18 FORFEIT THE RETIREMENT BENEFITS TO WHICH THE MEMBER WOULD OTHERWISE BE
19 ENTITLED IF THE MEMBER IS CONVICTED UNDER THE LAWS OF THE STATE OF NEW
20 YORK OF A FELONY, OR UNDER THE LAWS OF ANOTHER STATE OR OF THE UNITED
21 STATES OF AN OFFENSE OR CRIME WHICH, IF COMMITTED IN THE STATE OF NEW
22 YORK, WOULD BE A FELONY.

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

LBD09543-02-1

1 C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IN ANY WAY MODIFY OR
2 AFFECT THE RIGHTS OR BENEFITS OF ANY MEMBER OF THE RETIREMENT SYSTEM TO
3 WHICH ARTICLE FOURTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW IS
4 APPLICABLE.

5 S 2. The administrative code of the city of New York is amended by
6 adding a new section 13-361.1 to read as follows:

7 S 13-361.1 DISCHARGE OR DISMISSAL. A. NOTWITHSTANDING ANY OTHER
8 PROVISION OF LAW, WHEN A MEMBER HAS ATTAINED AT LEAST TWENTY YEARS OF
9 CREDITABLE FIRE UNIFORMED FORCE SERVICE IN THE RETIREMENT SYSTEM, THE
10 DISCHARGE OR DISMISSAL FROM EMPLOYMENT OF SUCH PERSON SHALL NOT PRECLUDE
11 SUCH PERSON FROM RECEIVING ANY RIGHTS OR BENEFITS TO WHICH HE OR SHE
12 SHALL OTHERWISE BE ENTITLED AS A MEMBER OR RETIRED MEMBER OF THE RETIRE-
13 MENT SYSTEM NOR UPON RETIREMENT SHALL HIS OR HER BENEFITS BE IN ANY WAY
14 DIMINISHED AS A RESULT OF SUCH DISCHARGE OR DISMISSAL. SUCH MEMBER
15 SHALL BE DEEMED TO BE RETIRED ON THE DATE OF HIS OR HER DISCHARGE OR
16 DISMISSAL FROM SERVICE FOR PURPOSES OF DETERMINING HIS OR HER RIGHTS AND
17 BENEFITS AS A MEMBER OF THE RETIREMENT SYSTEM.

18 B. NOTWITHSTANDING ANYTHING TO THE CONTRARY IN SUBDIVISION A OF THIS
19 SECTION, A MEMBER, OTHER THAN A MEMBER TO WHICH ARTICLE FOURTEEN OF THE
20 RETIREMENT AND SOCIAL SECURITY LAW IS APPLICABLE, THAT HAS ATTAINED AT
21 LEAST TWENTY YEARS OF CREDITABLE SERVICE IN THE RETIREMENT SYSTEM SHALL
22 FORFEIT THE RETIREMENT BENEFITS TO WHICH THE MEMBER WOULD OTHERWISE BE
23 ENTITLED IF THE MEMBER IS CONVICTED UNDER THE LAWS OF THE STATE OF NEW
24 YORK OF A FELONY, OR UNDER THE LAWS OF ANOTHER STATE OR OF THE UNITED
25 STATES OF AN OFFENSE OR CRIME WHICH, IF COMMITTED IN THE STATE OF NEW
26 YORK, WOULD BE A FELONY.

27 C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO IN ANY WAY MODIFY OR
28 AFFECT THE RIGHTS OR BENEFITS OF ANY MEMBER OF THE RETIREMENT SYSTEM TO
29 WHICH ARTICLE FOURTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW IS
30 APPLICABLE.

31 S 3. This act shall take effect immediately.