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

10203--A

I N  A S S E M B L Y

May 11, 2012

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 provide a waiver of earnings limitations for certain criminal justice faculty employed by a community college

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

Section 1. Notwithstanding any other provision of general or special law, local law and/or charter, the earnings limitations contained in any such general or special law, local law and/or charter and applicable to the employment of a person or persons in a position or positions in public service in any calendar year while retired and receiving a retirement allowance shall not apply to any person employed by a community college as a faculty member under a criminal justice program of the state university of New York or city university of New York during the whole of any calendar year beginning with the calendar year in which this act shall have become a law and such person may continue as retired and without loss, suspension or diminution of his or her retirement allowance, provided: (a) such person retired while a member of the New York state and local police and fire retirement system; (b) such person was entitled to receive a retirement allowance from such retirement system immediately prior to the commencement date of such employment by the community college as a faculty member under a criminal justice program of the state university or city university, as the case may be; and (c) such retired person is granted a waiver of retirement earnings limitation by the president of a community college under a criminal justice program of the state university or city university, if such person is hired as a member of the faculty of such criminal justice program.

S 2. This act shall take effect January 1, 2013.

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

The State University of New York has determined that there is no fiscal impact to SUNY or the State of New York regarding the implementation of A. 10203.

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

LBD15582-02-2

A. 10203 is in fact intended to save SUNY administrative time and effort in the processing of employment waivers in order for retired law enforcement officials to serve on the faculty of community colleges.

Currently 17 SUNY community colleges offer degree programs in criminal justice. In addition, there are numerous New York retirees who are valuable law enforcement personnel who are employed as faculty and instructors in the areas of criminal justice and law enforcement. These members of the faculty who are also retired members of the NYS policemen's and firemen's retirement system are not eligible to be appointed to tenure track positions due to the need to continue to seek 211 waivers on a bi-annual basis, thus reducing the need to conduct costly employment searches.

Often times, campuses that are located in smaller communities are challenged in finding experienced and qualified personnel. Enactment of A. 10203 will dramatically enrich the teaching faculty of the State University of New York. Furthermore, given the current provisions of the NYS policemen's and firemen's retirement system which permits a 20/25 year and out, many of those eligible under the provision of A. 10203 have many years of valuable service and experience to offer to the public sector and the State University of New York.

This estimate intended for use only during the 2012 Legislative Session was prepared by the Actuary for the Office of Governmental Relations of the State University of New York.