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

3775

2011-2012 Regular Sessions

I N A S S E M B L Y

January 27, 2011

Introduced by M. of A. GIGLIO -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize James Freitag, a retiree receiving benefits from the New York state teachers' retirement system, to apply for retroactive membership in such retirement system

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

Section 1. Notwithstanding any provision of law to the contrary, James Freitag, a retired member of the New York state teachers' retirement system having Tier III status and receiving retirement benefits since his retirement on August 15, 2010, who was employed as a provisional counselor by the county of Cattaraugus from June 5, 1975 until September 12, 1976, and who, for reasons not ascribable to his own negligence, failed to become a member of the New York state and local employees' retirement system during such employment by the county of Cattaraugus, shall be deemed to have become a member of the New York state teachers' retirement system having Tier II status on June 5, 1975 and shall receive service credit in such retirement system for his employment by the county of Cattaraugus, if, on or before December 31, 2011, he files a written application therefor with the head of the New York state teachers' retirement system; and upon receipt of such application, the head of the New York state teachers' retirement system shall recalculate James Freitag's retirement benefits retroactive to August 5, 2010 and thereafter and pay such benefits accordingly as if he shall have been deemed to have joined such retirement system on June 5, 1975.

S 2. All past service costs of implementing the provision of this act shall be borne by the county of Cattaraugus.

S 3. Notwithstanding any other provision of law, no employee contributions shall be returned to James Freitag.

S 4. This act shall take effect immediately.

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

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FISCAL NOTE.--This bill would allow James Freitag, a retired Tier III member of the New York State Teachers' Retirement System, to be reclassified as a Tier II member. His date of membership would be changed to June 5, 1975, based upon his employment with the county of Cattaraugus during the period June 5, 1975 to September 12, 1976. Additionally, Mr. Freitag's pension would be recalculated with retroactive adjustment to payments made since his date of retirement of August 15, 2010. Mr. Freitag must file a written request with the head of New York State Teachers' Retirement System on or before December 31, 2011. No employee contributions shall be refunded.

The cost of this benefit is equal to the increase in the present value of liabilities, which is estimated to be $81,000. This cost shall be borne by the county of Cattaraugus. The annul cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

The source of this estimate is Fiscal Note 2011-06 dated December 9, 2010 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2011 Legislative Session.