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

6917--A

2011-2012 Regular Sessions

I N A S S E M B L Y

April 5, 2011

Introduced by M. of A. TENNEY -- Multi-Sponsored by -- M. of A. CONTE -- 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 authorize members of the New York state and New York city teachers' retirement systems and the New York state and local employees' retirement system to claim retirement credit for certain private school teaching service

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

Section 1. Notwithstanding any other provision of law, a member of the New York state teachers' retirement system or the New York city teachers' retirement system, or any member of the New York state and local employees' retirement system who was employed by a private school shall be entitled to obtain credit for up to five years of service rendered as a teacher employed by a private elementary or secondary school within the state of New York chartered by or registered with the board of regents, which would constitute service as a teacher, had it been performed within New York state for an employer subject to the applicable provisions of law governing such retirement system.

S 2. The crediting of service pursuant to this act shall be in accordance with such rules and regulations as shall be adopted by the retirement board of the New York state teachers' retirement system, the retirement board of the New York city teachers' retirement system or the state comptroller, as appropriate, provided that such rules and regulations shall be substantially equivalent to the rules and regulations otherwise applicable for the crediting of service pursuant to applicable provisions of law governing each such retirement system, and provided further that if such provisions have not expired such member makes the applicable payments required pursuant to the provisions of sections 517

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

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and 613, and paragraph 2 of subdivision b of section 609 of the retirement and social security law.

S 3. The service credit granted pursuant to this act shall constitute service for the purpose of computing the pension payable upon retirement for service and shall be granted as a service credit to be used in determining the total length of service for purposes of eligibility for retirement. Provided, no such credit shall be allowed for any service for which the person is receiving a benefit or will be entitled to receive a benefit at any future time from any other public or private retirement system or plan in this state, any other state or from the federal government. Provided further, that all costs associated with obtaining credit for service rendered as a teacher employed by a private school under section one of this act shall be borne by the individually impacted member of the New York state teachers' retirement system or the New York city teachers' retirement system or the New York state and local employees' retirement system seeking to obtain such credit.

S 4. This act shall take effect June 30, 2012, except that any rule or regulation necessary for the timely implementation of the provisions of this act on its effective date are authorized and directed to be promulgated on or before such date.

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

This bill will allow members of certain public retirement systems who are currently employed as teachers in private elementary and secondary schools in the State of New York to receive up to five years of service credit in the New York State and Local Employees' Retirement System (ERS) for service as teachers in private schools in New York State.

The number of members who could be affected by this legislation cannot be readily determined.

As far as this bill affects the ERS, if this bill is enacted, for the Tier 3, 4 and 5 members who would purchase such previous service, there would be an immediate past service cost, which would depend on the current salary, plan, age and length of service. It is estimated that the past service cost will average approximately 15% of an affected members' compensation for each year of additional service. This cost would be borne solely by the affected member.

This estimate, dated June 7, 2011 and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-191, prepared by the Actuary for the New York State and Local Employees' Retirement System.