

2833--A

2011-2012 Regular Sessions

I N S E N A T E

February 2, 2011

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize John Leslie Bergmann to apply for and receive service credit, for service in the employment of a participating employer in the New York state and local employees' retirement system, in the New York city teachers' retirement system

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 John Leslie Bergmann, who retired on July 1, 2002 from employment by the
3 city school district of the city of New York and receives benefits from
4 the New York city teachers' retirement system, and who commenced employ-
5 ment by the Westchester county community college, a participating
6 employer in the New York state and local employees' retirement system,
7 on September 6, 1988, and who, for reasons not ascribable to his own
8 negligence, did not become a member of the New York state and local
9 employees' retirement system, shall be entitled to receive retirement
10 service credit for his service as an employee of the Westchester county
11 community college, from the date of his commencement of such employment
12 until the date of his retirement from employment by the city school
13 district of the city of New York, in the New York city teachers' retire-
14 ment system if, on or before the thirty-first of December next succeed-
15 ing the date on which it shall have become a law, he shall file an
16 application therefor with the state comptroller.
17 S 2. Notwithstanding any other provision of law to the contrary, ther-
18 eupon, the New York state and local employees' retirement system shall
19 transfer to the New York city teachers' retirement system an amount, to

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

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1 be determined by the state comptroller, equal to that which the West-
2 chester county community college would have been obligated to pay to the
3 New York state and local employees' retirement system on account of its
4 employment of John Leslie Bergmann, together with interest thereon, had
5 he become a member of such retirement system at the time of the
6 commencement of his employment by Westchester county community college.
7 In addition to such transfer, John Leslie Bergmann shall pay to the New
8 York city teachers' retirement system, in a lump sum, an amount, if any,
9 to be determined by the state comptroller, equal to that which he would
10 have been obligated to contribute to the New York state and local
11 employees' retirement system due to his employment by Westchester county
12 community college, had he become a member of such system upon the
13 commencement of such employment, from the date of the commencement ther-
14 eof until the date of his retirement from employment by the city school
15 district of the city of New York.

16 S 3. Upon receipt of the transfer and the payment required by section
17 two of this act, the New York city teachers' retirement system shall
18 grant the retirement service authorized by section one of this act to
19 John Leslie Bergmann and shall recalculate and pay his retirement allow-
20 ance accordingly and pay to him any arrearage or deficiency to which he
21 may be entitled pursuant to the provisions of this act in a lump sum.

22 S 4. This act shall take effect immediately.

FISCAL NOTE.--This bill will adjust the retirement benefit of John Leslie Bergmann, a retiree from the New York City Teachers Retirement System (NYCTRS), by increasing his final average salary by approximately \$16,000 based on salary earned while working for the Westchester County Community College. The additional benefit based on the increase in final average salary will then be paid retroactively to his date of retirement from the NYCTRS.

If this bill is enacted, insofar as it affects the New York State and Local Employees' Retirement System, we anticipate that there will be a transfer of approximately \$8,480 to the NYCTRS. This cost will be shared by the State of New York and all of the participating employers in the New York State and Local Employees' Retirement System. In addition, we estimate that Mr. Bergmann will have to pay approximately \$10,900 in member contributions to the NYCTRS. The sum of these amounts will be used to partially offset the cost to the NYCTRS.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated January 29, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-80, prepared by the Actuary for the New York State and Local Employees' Retirement System.