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

S. 4048--A A. 6335--A

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

March 15, 2011

IN SENATE -- Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. RAIA -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Michelle Merlino

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, Michelle Merlino, a member of the New York state and local employees' retirement system, who was employed on November 14, 2008, by Deer Park Union Free School District, who, for reasons not ascribable to her own negligence, did not file a membership application in such system until March 18, 2010, which gave her Tier V status instead of Tier IV status, where she would have been had she been able to file a membership application when she became a permanent employee on November 14, 2008 may be deemed to have become a member of the New York state and local employees' retirement system on November 14, 2008 if on or before December 31, 2011 she shall file with the state comptroller a written request to that effect. Upon the granting of such retroactive membership, Michelle Merlino shall not be granted a refund of any employee contribution made by her to the New York state and local employees' retirement system.

S 2. Any past service costs incurred in implementing the provisions of this act shall be borne by the Deer Park Union Free School District.

S 3. This act shall take effect immediately.

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

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

LBD09151-05-1

This bill would grant Tier 4 membership in the New York State and Local Employees' Retirement System to Michelle Merlino by changing her date of membership to November 14, 2008. She currently is a Tier 5 member.

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of the Deer Park Union Free School District for the fiscal year ending March 31, 2012 of approximately 3.0% of Michelle Merlino's annual compensation.

Since the amount of this member's service credit is negligible, there will be no past service cost.

This estimate, dated March 4, 2011, and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-125, prepared by the Actuary for the New York State and Local Employees' Retirement System.