

5804

2011-2012 Regular Sessions

I N   S E N A T E

June 17, 2011

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Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, in relation to service retirement benefits for persons engaged in criminal law enforcement and employed in the office of district attorney of Tompkins county

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

1     Section 1. Section 603 of the retirement and social security law is  
2     amended by adding a new subdivision u to read as follows:  
3     U. IF THE COUNTY OF TOMPKINS ELECTS TO PROVIDE A RETIREMENT BENEFIT BY  
4     ADOPTING A RESOLUTION TO SUCH EFFECT AND FILING A CERTIFIED COPY THEREOF  
5     WITH THE COMPTROLLER, THE SERVICE RETIREMENT BENEFIT SPECIFIED IN  
6     SECTION SIX HUNDRED FOUR OF THIS ARTICLE SHALL BE PAYABLE TO MEMBERS  
7     WITH TWENTY YEARS OF CREDITABLE SERVICE, WITHOUT REGARD TO AGE, WHO ARE  
8     ENGAGED DIRECTLY IN CRIMINAL LAW ENFORCEMENT ACTIVITIES AND WHO ARE  
9     EMPLOYED IN THE OFFICE OF THE DISTRICT ATTORNEY OF TOMPKINS COUNTY AS A  
10    CHIEF CRIMINAL INVESTIGATOR/DETECTIVE, DEPUTY CHIEF CRIMINAL INVESTI-  
11    GATOR, CRIMINAL INVESTIGATOR, SENIOR CRIMINAL INVESTIGATOR, CONFIDENTIAL  
12    CRIMINAL INVESTIGATOR, ASSISTANT CRIMINAL INVESTIGATOR, CRIMINAL INVE-  
13    TIGATOR-ELECTRONICS, CRIMINAL INVESTIGATOR-CHILD ABUSE, CONFIDENTIAL  
14    INVESTIGATOR OR CRIMINAL INVESTIGATOR/ARSON IF: (I) SUCH MEMBERS HAVE  
15    MET THE MINIMUM SERVICE REQUIREMENTS UPON RETIREMENT, AND (II) IN THE  
16    CASE OF A MEMBER SUBJECT TO THE PROVISIONS OF ARTICLE FOURTEEN OF THIS  
17    CHAPTER, SUCH MEMBER FILES AN ELECTION THEREFOR WHICH PROVIDES THAT HE  
18    OR SHE WILL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND TO NONE OF  
19    THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER. SUCH ELECTION, WHICH  
20    SHALL BE IRREVOCABLE, SHALL BE IN WRITING, DULY EXECUTED AND SHALL BE  
21    FILED WITH THE COMPTROLLER, WITHIN THREE YEARS AFTER ENTERING EMPLOYMENT  
22    IN THE OFFICE OF THE DISTRICT ATTORNEY OF TOMPKINS COUNTY IN ONE OF THE  
23    TITLES AFOREMENTIONED IN THIS SUBDIVISION. FOR THE PURPOSES OF THIS

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

LBD13044-04-1

1 SUBDIVISION, THE TERM: "CREDITABLE SERVICE" SHALL HAVE THE MEANING AS  
2 SO DEFINED IN BOTH SECTIONS EIGHTY-NINE-D AND SIX HUNDRED ONE OF THIS  
3 CHAPTER AND SUCH TERM SHALL BE SUBJECT TO THE CONDITIONS IN SUCH  
4 SECTIONS EIGHTY-NINE-D AND SIX HUNDRED ONE, ALSO INCLUDE SERVICE AS A  
5 SHERIFF, UNDERSHERIFF, CAPTAIN DEPUTY SHERIFF, LIEUTENANT DEPUTY SHER-  
6 IFF, SENIOR CRIMINAL INVESTIGATOR, CHIEF INVESTIGATOR/DETECTIVE, CRIMI-  
7 NAL INVESTIGATOR, CRIMINAL INVESTIGATOR-ELECTRONICS, CRIMINAL INVESTIGA-  
8 TOR-CHILD ABUSE, SERGEANT DEPUTY SHERIFF, DEPUTY SHERIFF, DEPUTY SHERIFF  
9 TRAINEE, POLICE CHIEF, POLICE LIEUTENANT, POLICE SERGEANT, POLICE OFFI-  
10 CER, OR POLICE CAPTAIN.

11 S 2. Section 604 of the retirement and social security law is amended  
12 by adding a new subdivision u to read as follows:

13 U. IF THE COUNTY OF TOMPKINS ELECTS TO PROVIDE THE RETIREMENT BENEFIT  
14 PURSUANT TO THIS SUBDIVISION BY ADOPTING A RESOLUTION TO SUCH EFFECT AND  
15 FILING A CERTIFIED COPY THEREOF WITH THE COMPTROLLER, THE EARLY SERVICE  
16 RETIREMENT BENEFIT FOR A MEMBER WHO IS EMPLOYED IN THE OFFICE OF THE  
17 DISTRICT ATTORNEY OF TOMPKINS COUNTY AS A CHIEF CRIMINAL  
18 INVESTIGATOR/DETECTIVE, DEPUTY CHIEF CRIMINAL INVESTIGATOR, CRIMINAL  
19 INVESTIGATOR, SENIOR CRIMINAL INVESTIGATOR, CONFIDENTIAL CRIMINAL INVES-  
20 TIGATOR, ASSISTANT CRIMINAL INVESTIGATOR, CRIMINAL INVESTIGATOR-ELEC-  
21 TRONICS, CRIMINAL INVESTIGATOR-CHILD ABUSE, CONFIDENTIAL INVESTIGATOR OR  
22 CRIMINAL INVESTIGATOR/ARSON OR OTHER INVESTIGATIVE TITLE SHALL BE A  
23 PENSION EQUAL TO ONE-FORTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF  
24 CREDITED SERVICE FOR THE FIRST TWENTY YEARS OF SERVICE PLUS AN ADDI-  
25 TIONAL ONE-SIXTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED  
26 SERVICE FOR EACH YEAR BEYOND THE FIRST TWENTY YEARS OF SERVICE IN SUCH  
27 TITLE, BUT NOT EXCEEDING THREE-FOURTHS OF HIS OR HER FINAL AVERAGE SALA-  
28 RY.

29 S 3. The county of Tompkins shall, by resolution, determine whether to  
30 extend the provisions of this act to those members in the office of the  
31 district attorney as a chief criminal investigator/detective, deputy  
32 chief criminal investigator, criminal investigator, senior criminal  
33 investigator, confidential criminal investigator, assistant criminal  
34 investigator, criminal investigator-electronics, criminal investigator-  
35 child abuse, confidential investigator or criminal investigator/arson or  
36 other investigative title provided, however, that such resolution must  
37 be adopted by April 1, 2012.

38 S 4. The costs attributable to the operation of this act shall be  
39 borne by the county of Tompkins and shall be paid over a ten year period  
40 in amounts determined by the retirement system actuary.

41 S 5. This act shall take effect immediately.

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

This bill will allow Tompkins County to elect to provide a special twenty (20) year retirement plan to members who are engaged directly in criminal law enforcement activities and who are employed in the office of the district attorney of Tompkins County as a chief criminal investigator/detective, deputy chief criminal investigator, criminal investigator, senior criminal investigator, confidential criminal investigator, assistant criminal investigator, criminal investigator-electronics, criminal investigator-child abuse, confidential investigator, or criminal investigator/arson. Such plan will provide a benefit of one-half of final average salary upon retirement plus an additional benefit of one sixtieth of final average salary for each year of service in excess of twenty (20) years, not to exceed fifteen (15) such years.

Presently, there are no investigators employed by Tompkins County. However, this legislation will establish a series of job titles in their

district attorney's office to enable such future investigators to become covered under this special retirement plan.

If this bill is enacted, for the fiscal year ending March 31, 2012, the additional annual cost will be 6.2% of the salaries of affected Tiers 3 and 4 investigators, and 7.4% of the salaries of affected Tier 5 investigators.

In addition to the annual contributions discussed above, in future years when Tompkins County appoints any investigator with previous creditable service into one of these investigator titles, there will be an immediate past service cost which will depend on the salary, plan, age and length of past service of the investigators as of the date they become covered under such plan. These costs will be borne by Tompkins County and amortized over a period of ten (10) years.

This estimate, dated June 16, 2011, and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-204, prepared by the Actuary for the New York State and Local Employees' Retirement System.