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

5804

2011-2012 Regular Sessions

I N S E N A T E

June 17, 2011

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:

Section 1. Section 603 of the retirement and social security law is amended by adding a new subdivision u to read as follows:

U. IF THE COUNTY OF TOMPKINS ELECTS TO PROVIDE A RETIREMENT BENEFIT BY ADOPTING A RESOLUTION TO SUCH EFFECT AND FILING A CERTIFIED COPY THEREOF WITH THE COMPTROLLER, THE SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED FOUR OF THIS ARTICLE SHALL BE PAYABLE TO MEMBERS WITH TWENTY YEARS OF CREDITABLE SERVICE, WITHOUT REGARD TO AGE, 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 IF: (I) SUCH MEMBERS HAVE MET THE MINIMUM SERVICE REQUIREMENTS UPON RETIREMENT, AND (II) IN THE CASE OF A MEMBER SUBJECT TO THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER, SUCH MEMBER FILES AN ELECTION THEREFOR WHICH PROVIDES THAT HE OR SHE WILL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND TO NONE OF THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER. SUCH ELECTION, WHICH SHALL BE IRREVOCABLE, SHALL BE IN WRITING, DULY EXECUTED AND SHALL BE FILED WITH THE COMPTROLLER, WITHIN THREE YEARS AFTER ENTERING EMPLOYMENT IN THE OFFICE OF THE DISTRICT ATTORNEY OF TOMPKINS COUNTY IN ONE OF THE 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.

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SUBDIVISION, THE TERM: "CREDITABLE SERVICE" SHALL HAVE THE MEANING AS SO DEFINED IN BOTH SECTIONS EIGHTY-NINE-D AND SIX HUNDRED ONE OF THIS CHAPTER AND SUCH TERM SHALL BE SUBJECT TO THE CONDITIONS IN SUCH SECTIONS EIGHTY-NINE-D AND SIX HUNDRED ONE, ALSO INCLUDE SERVICE AS A SHERIFF, UNDERSHERIFF, CAPTAIN DEPUTY SHERIFF, LIEUTENANT DEPUTY SHERIFF, SENIOR CRIMINAL INVESTIGATOR, CHIEF INVESTIGATOR/DETECTIVE, CRIMINAL INVESTIGATOR, CRIMINAL INVESTIGATOR-ELECTRONICS, CRIMINAL INVESTIGATOR-CHILD ABUSE, SERGEANT DEPUTY SHERIFF, DEPUTY SHERIFF, DEPUTY SHERIFF TRAINEE, POLICE CHIEF, POLICE LIEUTENANT, POLICE SERGEANT, POLICE OFFICER, OR POLICE CAPTAIN.

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

U. IF THE COUNTY OF TOMPKINS ELECTS TO PROVIDE THE RETIREMENT BENEFIT PURSUANT TO THIS SUBDIVISION BY ADOPTING A RESOLUTION TO SUCH EFFECT AND FILING A CERTIFIED COPY THEREOF WITH THE COMPTROLLER, THE EARLY SERVICE RETIREMENT BENEFIT FOR A MEMBER WHO IS 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 OR OTHER INVESTIGATIVE TITLE SHALL BE A PENSION EQUAL TO ONE-FORTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE FOR THE FIRST TWENTY YEARS OF SERVICE PLUS AN ADDITIONAL ONE-SIXTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE FOR EACH YEAR BEYOND THE FIRST TWENTY YEARS OF SERVICE IN SUCH TITLE, BUT NOT EXCEEDING THREE-FOURTHS OF HIS OR HER FINAL AVERAGE SALARY.

S 3. The county of Tompkins shall, by resolution, determine whether to extend the provisions of this act to those members in the office of the district attorney 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 or other investigative title provided, however, that such resolution must be adopted by April 1, 2012.

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

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.