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

10092

I N A S S E M B L Y

June 12, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abbate) -- read once and referred to the Committee on Governmental Employees

AN ACT relating to allowing for the payment of certain retirement benefits to the spouse of Susan Kupferman who died while an employee of the metropolitan transportation authority

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

Section 1. Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, Susan Kupferman, who was last employed by the metropolitan transportation authority and had over thirty years of public service credited in the New York state and local employees' retirement system, shall be deemed eligible for a service retirement benefit effective on her fifty-fifty birthday, September 17, 2013, notwithstanding the fact that she died on June 26, 2013. On or before December 31, 2014, the spouse of Susan Kupferman, may file with the retirement system an application for service retirement benefits on behalf of Susan Kupferman with an effective date of retirement of September 17, 2013. Upon filing of a service retirement application, benefits shall be paid by the retirement system pursuant to the option election form filed by Susan Kupferman in connection with her application for the Article 15 disability retirement benefit. The filing of a service retirement application will constitute a withdrawal of Article 15 disability retirement application and a waiver of any and all rights to the benefits payable pursuant to that application, including any post-retirement death benefit payable thereunder, as well as any rights or benefits to the ordinary death benefit payable upon the death of a member in service pursuant to section 508 or 606 of the retirement and social security law. Any amounts paid by the retirement system to Susan Kupferman, her estate or to her spouse prior to the filing of the application for service retirement shall be deducted from the benefit payable thereafter.

S 2. This act shall take effect immediately.

FISCAL NOTE.-- Pursuant to Section 50 of the Legislative Law:

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

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This bill would deem Susan Kupferman eligible to receive a service retirement benefit effective on her 55th birthday, September 17, 2013, notwithstanding the fact that she died on June 26, 2013. Her spouse shall be authorized to file for the service retirement benefit on her behalf. Further, her spouse must waive all future rights and benefits payable to him based upon a disability benefit previously granted to Susan Kupferman and all payments received from such disability retirement will be deducted from the benefits payable under this legislation.

If this bill is enacted, there would be a one-time cost to the Metropolitan Transportation Authority of approximately $403,000. This estimate is based on the assumption that payment will be made on February 1, 2015.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 March 21, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-105, prepared by the Actuary for the New York State and Local Employees' Retirement System.