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

7566

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. JORDAN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to permitting retired law enforcement officers to be hired as school resource officers in public schools without loss, suspension or diminution of retirement allowance without an earnings limitation

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

Section 1. The retirement and social security law is amended by adding a new section 212-a to read as follows:

S 212-A. EMPLOYMENT OF RETIRED LAW ENFORCEMENT OFFICERS AS SCHOOL RESOURCE OFFICERS IN PUBLIC SCHOOLS. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED ONE, TWO HUNDRED ELEVEN, TWO HUNDRED TWELVE OR FOUR HUNDRED ONE OF THIS CHAPTER, OR THE PROVISIONS OF ANY LOCAL LAW OR CHARTER, ANY RETIRED LAW ENFORCEMENT OFFICER MAY CONTINUE AS RETIRED AND, WITHOUT LOSS, SUSPENSION OR DIMINUTION OF HIS OR HER RETIREMENT ALLOWANCE, EARN IN A POSITION AS A SCHOOL RESOURCE OFFICER EMPLOYED IN A PUBLIC SCHOOL, IN ANY CALENDAR YEAR WITH NO EARNINGS LIMITATION, PROVIDED THAT SUCH RETIRED LAW ENFORCEMENT OFFICER EMPLOYED UNDER THIS SECTION DULY EXECUTES AND FILES WITH THE RETIREMENT SYSTEM FROM WHICH HE OR SHE IS RECEIVING A RETIREMENT ALLOWANCE A STATEMENT THAT HE OR SHE ELECTS TO HAVE THE PROVISIONS OF THIS SECTION APPLY TO HIM OR HER. A STATEMENT OF ELECTION EXECUTED AND FILED PURSUANT TO THIS SECTION MAY BE WITHDRAWN BY A RETIRED LAW ENFORCEMENT OFFICER AT ANY TIME BY A STATEMENT SIMILARLY EXECUTED AND FILED.

S 2. The opening paragraph of subdivision a of section 401 of the retirement and social security law, as added by chapter 1000 of the laws of 1966, is amended to read as follows:

If a retired member, receiving a retirement allowance for other than physical disability, returns to active public service, except as otherwise provided in this section or sections two hundred eleven [or], two

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

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hundred twelve OR TWO HUNDRED TWELVE-A of this chapter, and is eligible for membership in the policemen's and firemen's retirement system, he thereupon shall become a member and his retirement allowance shall cease. In such event, he shall contribute to the policemen's and firemen's retirement system as if he were a new member. Upon his subsequent retirement he shall:

S 3. This act shall take effect immediately.