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

7573--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to the membership of warrant and transfer officers and senior warrant and transfer officers

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

Section 1. The section heading of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

Retirement of members in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or who are security hospital treatment assistants, OR WHO ARE WARRANT AND TRANSFER OFFICERS OR SENIOR WARRANT AND TRANSFER OFFICERS; new plan.

S 2. Subdivision a of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

a. Any member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as hereinafter defined, who enters or re-enters service on or after the effective date of this section, or who is a security hospital treatment assistant who enters or [reenters] RE-ENTERS service on or after the effective date of the amendment permitting security hospital treatment assistants to be covered by this section, OR WHO IS A WARRANT AND TRANSFER OFFICER OR A SENIOR WARRANT AND TRANSFER OFFICER WHO ENTERS OR RE-ENTERS SERVICE ON OR AFTER THE EFFECTIVE DATE OF THE AMENDMENT PERMITTING WARRANT AND TRANSFER OFFICERS AND SENIOR WARRANT AND TRANSFER

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

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OFFICERS TO BE COVERED BY THIS SECTION, shall contribute on the basis provided for by this section.

S 3. Paragraph 2 of subdivision e of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. A pension which, together with such annuity and a pension which is the actuarial equivalent of the reserves for-increased-take-home pay to which he or she may then be entitled, if any, shall equal one-fiftieth of his or her final average salary for each year of creditable service in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or for each year of creditable service as a security hospital treatment assistant under the jurisdiction of the office of mental health, OR FOR EACH YEAR OF CREDITABLE SERVICE AS A WARRANT AND TRANSFER OFFICER OR SENIOR WARRANT AND TRANSFER OFFICER UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, as hereinafter defined. This pension shall not exceed the amount needed to make the total amount of the benefits provided under paragraphs one and two of this subdivision e equal to one-half of his or her final average salary.

S 4. The opening paragraph of paragraph 3 of subdivision e of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

An additional pension equal to the pension for any creditable service rendered while not in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision and rendered while not serving as a security hospital treatment assistant under the jurisdiction of the office of mental health, AND RENDERED WHILE NOT SERVING AS A WARRANT AND TRANSFER OFFICER OR SENIOR WARRANT AND TRANSFER OFFICER UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, as hereinafter defined, as provided under paragraphs two and three of subdivision a of section seventy-five of this article. This pension shall:

S 5. Subdivision f of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

f. The increased pensions to members of the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or to members who are security hospital treatment assistants under the jurisdiction of the office of mental health, OR TO MEMBERS WHO ARE WARRANT AND TRANSFER OFFICERS OR SENIOR WARRANT AND TRANSFER OFFICERS UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, as provided by this section, shall be paid from additional contributions made by the state on account of such member. The actuary of the retirement system shall compute the additional contribution of each member who elects to receive the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the retirement system for such extra pensions.

S 6. Subdivision g of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

g. In computing the twenty-five years of completed service of a member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or of a member who

is a security hospital treatment assistant under the jurisdiction of the office of mental health, OR OF A MEMBER WHO IS A WARRANT AND TRANSFER OFFICER OR SENIOR WARRANT AND TRANSFER OFFICER UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, as hereinafter defined, full credit shall be given and full allowance shall be made for service of such member in war after world war 1 as defined in section two of this chapter, provided such member at the time of his or her entrance into the armed forces was in state service.

S 7. Subdivision i of section 89 of the retirement and social security law, as amended by section 139 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

i. As used in this section, "uniformed persons" or "uniformed personnel" in institutions under the jurisdiction of the department of corrections and community supervision or "security hospital treatment assistants" under the jurisdiction of the office of mental health OR "WARRANT AND TRANSFER OFFICERS OR SENIOR WARRANT AND TRANSFER OFFICERS" UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION mean officers or employees holding the titles hereinafter set forth in institutions under the jurisdiction of the department of corrections and community supervision or under the jurisdiction of the office of mental health, namely: correction officers, prison guards, correction sergeants, correction lieutenants, correction captains, deputy assistant superintendent or warden, deputy warden or deputy superintendent, superintendents and wardens, assistant director and director of correction reception center, director of correctional program, assistant director of correctional program, director of community correctional center, community correctional center assistant, correction hospital officers, male or female, correction hospital senior officers, correction hospital charge officer, correction hospital supervising officer, correction hospital security supervisor, correction hospital chief officer, correction youth camp officer, correction youth camp supervisor, assistant supervisor, correctional camp superintendent, assistant correctional camp superintendent, director of crisis intervention unit, assistant director of crisis intervention unit, security hospital treatment assistants, security hospital treatment assistants (Spanish speaking), security hospital senior treatment assistants, security hospital supervising treatment assistants [and], security hospital treatment chiefs, AND WARRANT AND TRANSFER OFFICERS AND SENIOR WARRANT AND TRANSFER OFFICERS. Previous service rendered under the titles by which such positions were formerly designated and previous service rendered as a narcotic addiction control commission officer shall constitute creditable service. PREVIOUS SERVICE RENDERED UNDER THE TITLES WARRANT AND TRANSFER OFFICER AND SENIOR WARRANT AND TRANSFER OFFICER UNDER THE JURISDICTION OF THE FORMER DIVISION OF PAROLE SHALL CONSTITUTE CREDITABLE SERVICE. Notwithstanding any provision of law to the contrary, any employee of the department of corrections and community supervision who became enrolled under this section by reason of employment as a uniformed person in an institution under the jurisdiction of the department of corrections and community supervision shall be entitled to full retirement credit for, and full allowance shall be made under this section for the service of such employee, not to exceed twelve years, while assigned to the training academy or central office, in the following titles, namely: correction officer, correction sergeant, correction lieutenant, correction captain, correctional services investigator, senior correctional services employee investigator, correctional services fire and safety coordinator, director of

special housing and inmate disciplinary program, assistant director of special housing and inmate disciplinary program, assistant chief of investigations, director of CERT operations, correctional facility operations specialist, director of security staffing project, correctional security technical services specialist, assistant commissioner and deputy commissioner.

S 8. Section 89 of the retirement and social security law is amended by adding a new subdivision l to read as follows:

L. ANY MEMBER WHO, ON OR BEFORE THE EFFECTIVE DATE OF THIS SUBDIVISION, IS A WARRANT AND TRANSFER OFFICER OR SENIOR WARRANT AND TRANSFER OFFICER UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION MAY, BY FILING AN ELECTION WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, ELECT TO BE SUBJECT TO THE PROVISIONS OF THIS SECTION. SUCH ELECTION SHALL BE IN WRITING, SHALL BE DULY EXECUTED AND FILED WITH THE COMPTROLLER AND SHALL BE IRREVOCABLE.

S 9. All past service costs shall be borne by the state of New York as a one-time payment.

S 10. This act shall take effect immediately.

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

This bill would allow warrant and transfer officers under the jurisdiction of the department of corrections to be covered by the provisions of section 89 of the Retirement and Social Security Law, a twenty-five (25) year half pay retirement plan. In addition this will allow all service as a warrant and transfer officer to be creditable towards retirement for all officers subject to the provisions of such plan.

If this bill is enacted, we anticipate that there will be an increase of approximately $119,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2015.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $463,000 which would be borne by the State of New York as a one-time payment, assuming a payment date of March 1, 2015.

These estimated costs are based on 24 known affected officers having a total estimated annual salary for the fiscal year ending March 31, 2014 approximately $2.3 million.

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 February 13, 2014 and intended for use only during the 2104 Legislative Session, is Fiscal Note No. 2014-80, prepared by the Actuary for the New York State and Local Employees' Retirement System.