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

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I N A S S E M B L Y

March 24, 2014

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

AN ACT to amend the retirement and social security law, in relation to an optional twenty-year retirement plan for members of the New York state and local police and fire retirement system and to amend chapter 504 of the laws of 2009, amending the retirement and social security law relating to establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system

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 384-f to read as follows:

S 384-F. OPTIONAL TWENTY-YEAR RETIREMENT PLAN FOR MEMBERS OF THE NEW YORK STATE POLICE AND FIRE RETIREMENT SYSTEM. A. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW OR CODE TO THE CONTRARY, ANY MEMBER OF THE NEW YORK STATE POLICE AND FIRE RETIREMENT SYSTEM WHOSE MEMBERSHIP IN SUCH RETIREMENT SYSTEM COMMENCED BETWEEN JULY FIRST, TWO THOUSAND NINE AND MARCH THIRTY-FIRST TWO THOUSAND TWELVE AND IS NOT SUBJECT TO THE TERMS OF AN AGREEMENT AS DEFINED BY SUBDIVISION TWELVE OF SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE LAW, MAY ELECT TO CONTRIBUTE TO SUCH RETIREMENT SYSTEM PURSUANT TO SECTION THREE HUNDRED EIGHTY-FOUR-D OF THIS TITLE, IF HIS OR HER EMPLOYER HAS PREVIOUSLY ELECTED TO MAKE THE BENEFITS OF SECTION THREE HUNDRED EIGHTY-FOUR-D OF THIS TITLE AVAILABLE TO ITS MEMBERS.

B. ANY MEMBER WHO ELECTS TO CONTRIBUTE PURSUANT TO THIS SECTION SHALL NOT BE REQUIRED TO MAKE CONTRIBUTIONS PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER OR SECTION TWELVE HUNDRED FOUR OF THIS CHAPTER.

C. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF SECTION THREE HUNDRED EIGHTY-FOUR-D OF THIS TITLE ANY MEMBER WHO SEEKS TO ELECT TO CONTRIBUTE PURSUANT TO THIS SECTION MAY DO SO WITHIN SIX MONTHS AFTER THE MEMBER BECOMES A MEMBER OF SUCH RETIREMENT SYSTEM, OR WITHIN SIX MONTHS AFTER HIS OR HER EMPLOYER ELECTS TO MAKE THE BENEFITS OF SECTION

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

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THREE HUNDRED EIGHTY-FOUR-D OF THIS TITLE AVAILABLE TO ITS MEMBERS; OR WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

S 2. Part A of chapter 504 of the laws of 2009, amending the retirement and social security law relating to establishing police and fire retirement provisions, is amended by adding a new section 8-a to read as follows:

S 8-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY ANY MEMBER OF THE NEW YORK STATE POLICE AND FIRE RETIREMENT SYSTEM WHO BECAME A MEMBER ON OR AFTER JULY 1, 2009 AND BEFORE JANUARY 10, 2010 MAY JOIN A SPECIAL RETIREMENT PLAN OPEN TO HIM OR HER PURSUANT TO A COLLECTIVELY NEGOTIATED AGREEMENT WITH ANY STATE OR LOCAL GOVERNMENT EMPLOYER, WHERE SUCH AGREEMENT WAS UNEXPIRED OR EXPIRED BUT CONTINUED PURSUANT TO SECTION TWO HUNDRED NINE OF THE CIVIL SERVICE LAW ON OR AFTER JULY 1, 2009 AND BEFORE JANUARY 10, 2010.

S 3. Notwithstanding any other provision of law to the contrary, section 25 of the retirement and social security law shall not apply to sections one and two of this act.

S 4. This act shall take effect immediately.

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

This bill would grant that an individual who became a Tier 3 or a Tier 5 member of the New York State and Local Police and Fire Retirement System (PFRS) and whose employer has elected to provide the provisions of Section 384-d, and who is not subject to a collective bargaining agreement (CBA), would no longer be required to make mandatory employee contributions.

This bill would also allow a small number of individuals who became members of the PFRS on or after July 1, 2009 and before January 9, 2010 and who did not timely file an application to become covered under the provisions of Section 384-d within the one year required filing period to file for such coverage.

Further, this bill would amend Chapter 504 of the Laws of 2009 to allow an individual who became a member of PFRS on or after July 1, 2009 and before January 10, 2010 to join a special retirement plan open to him or her pursuant to a collective bargaining agreement in effect on or after July 1, 2009 and before January 10, 2010. This bill would affect members hired under a CBA as well as those hired under a CBA which has expired but is still operating under Civil Service Law Section 209. Such members who elect coverage under Article 22 of the Retirement and Social Security Law will not be required to make employee contributions.

If this bill is enacted, we anticipate that the employers of such members who are covered under PFRS special retirement contributory plans would see an increase in their annual contributions for the fiscal year ending March 31, 2015 of approximately 4.0% of the annual salaries.

In addition to these costs, there would be future annual costs which would be borne by any employer of a member who would become eligible to file for Section 384-d coverage. These costs would depend on the current plan coverage and salaries of affected members. There would also be a past service cost for each such member, which would depend on the age, service, salary and plan coverage of the member. These past service costs would be borne by all the employers in the PFRS.

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 11, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-76, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.