

9683

I N A S S E M B L Y

May 15, 2014

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

AN ACT to amend the education law and the retirement and social security law, in relation to termination of membership in a New York state retirement system

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

1 Section 1. The education law is amended by adding a new section 540 to
2 read as follows:

3 S 540. WRITTEN ACKNOWLEDGEMENT OF MEMBERSHIP TERMINATION. A TEACHER
4 INTENDING TO TERMINATE HIS OR HER MEMBERSHIP IN THE RETIREMENT SYSTEM
5 DEFINED IN SUBDIVISION ONE OF SECTION FIVE HUNDRED ONE OF THIS ARTICLE
6 AND THE TEACHER'S EMPLOYER MUST BOTH EXECUTE A WRITTEN STATEMENT
7 PROVIDED BY THE RETIREMENT BOARD THAT THE TEACHER AND THE EMPLOYER
8 ACKNOWLEDGE AND UNDERSTAND THAT THE TEACHER, ON A SPECIFIC DATE, WILL NO
9 LONGER BE A MEMBER OF SUCH RETIREMENT SYSTEM. THE EMPLOYER MUST, WITHIN
10 THIRTY DAYS AFTER SIGNATURE BY BOTH PARTIES, FILE SUCH WRITTEN STATEMENT
11 WITH THE RETIREMENT BOARD IN ORDER TO EFFECTUATE SUCH TERMINATION OF
12 MEMBERSHIP.

13 S 2. The retirement and social security law is amended by adding a new
14 section 113-b to read as follows:

15 S 113-B. WRITTEN ACKNOWLEDGEMENT OF MEMBERSHIP TERMINATION. A MEMBER
16 INTENDING TO TERMINATE HIS OR HER MEMBERSHIP IN THE RETIREMENT SYSTEM
17 DEFINED IN SUBDIVISION TWENTY-EIGHT OF SECTION TWO OF THIS ARTICLE AND
18 THE MEMBER'S EMPLOYER MUST BOTH EXECUTE A WRITTEN STATEMENT PROVIDED BY
19 THE OFFICE OF THE COMPTROLLER THAT THE MEMBER AND THE EMPLOYER ACKNOWLEDGE
20 AND UNDERSTAND THAT THE MEMBER, ON A SPECIFIC DATE, WILL NO LONGER
21 BE A MEMBER OF SUCH RETIREMENT SYSTEM. THE EMPLOYER MUST, WITHIN THIRTY
22 DAYS AFTER SIGNATURE BY BOTH PARTIES, FILE SUCH WRITTEN STATEMENT WITH
23 THE OFFICE OF THE COMPTROLLER IN ORDER TO EFFECTUATE SUCH TERMINATION OF
24 MEMBERSHIP.

25 S 3. The retirement and social security law is amended by adding a new
26 section 411-a to read as follows:

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

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1 S 411-A. WRITTEN ACKNOWLEDGEMENT OF MEMBERSHIP TERMINATION. A MEMBER
2 INTENDING TO TERMINATE HIS OR HER MEMBERSHIP IN THE RETIREMENT SYSTEM
3 DEFINED IN SUBDIVISION TWENTY-EIGHT OF SECTION THREE HUNDRED TWO OF THIS
4 ARTICLE AND THE MEMBER'S EMPLOYER MUST BOTH EXECUTE A WRITTEN STATEMENT
5 PROVIDED BY THE OFFICE OF THE COMPTROLLER THAT THE MEMBER AND THE
6 EMPLOYER ACKNOWLEDGE AND UNDERSTAND THAT THE MEMBER, ON A SPECIFIC DATE,
7 WILL NO LONGER BE A MEMBER OF SUCH RETIREMENT SYSTEM. THE EMPLOYER MUST,
8 WITHIN THIRTY DAYS AFTER SIGNATURE BY BOTH PARTIES, FILE SUCH WRITTEN
9 STATEMENT WITH THE OFFICE OF THE COMPTROLLER IN ORDER TO EFFECTUATE SUCH
10 TERMINATION OF MEMBERSHIP.

11 S 4. This act shall take effect on the sixtieth day after it shall
12 have become a law; provided, however, that effective immediately, the
13 addition, amendment and/or repeal of any rule or regulation necessary
14 for the implementation of this act on its effective date are authorized
15 and directed to be made and completed on or before such date.