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I N   S E N A T E

June 11, 2014

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend chapter 675 of the laws of 1984 relating to providing fringe benefits for certain employees of school districts and boards of cooperative educational services, in relation to leaves of absence

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

1     Section 1. Section 1 of chapter 675 of the laws of 1984, relating to  
2     providing fringe benefits for certain employees of school districts and  
3     boards of cooperative educational services, is amended to read as  
4     follows:

5     Section 1. Notwithstanding any other provisions of law, except in a  
6     city having a population of one million or more, an employer as defined  
7     in subdivision three of section five hundred one of the education law  
8     may grant a leave of absence with full salary to a member of the New  
9     York state teachers' retirement system who is employed as a full-time  
10    teacher as defined in subdivision four of section five hundred one of  
11    the education law from his or her regular position, for the purpose of  
12    serving as an elective officer [(not to exceed four)] of the local  
13    employee organization certified or recognized pursuant to article four-  
14    teen of the civil service law as the collective negotiating agent of an  
15    employee negotiating unit, OR ITS STATEWIDE AFFILIATE, provided that:

16    a. the local employee organization OR ITS STATEWIDE AFFILIATE requests  
17    that a leave of absence be granted with full salary for such purpose;

18    b. each such leave, its terms and renewal shall be subject to an  
19    agreement pursuant to article fourteen of the civil service law;

20    c. such local employee organization OR ITS STATEWIDE AFFILIATE shall  
21    periodically, as specified by the public employer, reimburse the public  
22    employer for the salary or wages paid to such employee during such leave  
23    of absence together with the full cost of fringe benefits including  
24    retirement credit with the New York state teachers' retirement system;  
25    and

26    d. The salary paid shall be the salary the employee would have earned  
27    and received had [he] THE EMPLOYEE remained in service in the position

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

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1 which [he] THE EMPLOYEE held as a full time employee at the time [he]  
2 THE EMPLOYEE was first elected as an elective officer, prior to the  
3 granting of the leave of absence based on the salary schedule in effect  
4 for the negotiating unit during each year of the leave of absence.

5 S 2. This act shall take effect immediately.

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

This bill would amend Chapter 675 of the Laws of 1984 to allow a participating employer of the New York State Teachers' Retirement System (NYSTRS) to grant a leave of absence with full salary to a member of NYSTRS who is employed as a full-time teacher from his or her regular position for the purpose of serving as an elective officer of the state-wide affiliate of the local employee organization certified or recognized by the participating employer pursuant to Article 14 of the Civil Service Law as the collective negotiating agent of an employee negotiating unit. Currently this leave of absence is only permitted on account of serving as an elective officer of the local employee organization.

The statewide affiliate shall reimburse the public employer for the salary paid to such employee during such leave of absence together with the full cost of all fringe benefits, including the cost of retirement credit with NYSTRS. The salary paid shall be the salary the employee would have earned had he/she remained in service in the position held at the time first elected, based on the salary schedule for the negotiating unit during each year of the leave of absence.

Inasmuch as the retirement costs are to be paid by the statewide affiliate, there will be no annual cost to the employers of members of NYSTRS if this bill is enacted.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2014-33 dated June 3, 2014 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2014 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.