

7006

2015-2016 Regular Sessions

I N A S S E M B L Y

April 17, 2015

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. GOLDFED-
ER -- read once and referred to the Committee on Governmental Employ-
ees

AN ACT to amend the education law, in relation to deductions of benefits
of certain retired members

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

1 Section 1. The education law is amended by adding a new section 396-a
2 to read as follows:
3 S 396-A. DEDUCTIONS FROM BENEFITS OF CERTAIN RETIRED MEMBERS. 1.
4 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTING EMPLOYEE WHO IS
5 RETIRED FROM THE OPTIONAL RETIREMENT SYSTEM SHALL HAVE THE RIGHT, AT ANY
6 TIME AFTER SUCH ELECTING EMPLOYEE'S RETIREMENT, TO EXECUTE AND FILE A
7 DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR INSURERS
8 UPON AUDIT AND WARRANT OF THE COMPTROLLER FOR EMPLOYEES OF THE STATE
9 UNIVERSITY AND BY THE APPROPRIATE FISCAL OFFICER FOR EMPLOYEES OF AN
10 ELECTING EMPLOYER AUTHORIZING THE DEDUCTION FROM SUCH ELECTING EMPLOY-
11 EE'S RETIREMENT ALLOWANCE OF MEMBERSHIP DUES AND SUCH ELECTING EMPLOY-
12 EE'S SHARE OF THE COST FOR EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS
13 AND THE PAYMENT THEREOF TO A RETIREE ORGANIZATION OF WHICH THE ELECTING
14 EMPLOYEE IS THEN A MEMBER AND WHICH IS THEN AFFILIATED WITH EITHER AN
15 EMPLOYEE ORGANIZATION CERTIFIED OR RECOGNIZED AS THE COLLECTIVE BARGAIN-
16 ING REPRESENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT OF WHICH THE
17 ELECTING EMPLOYEE WAS A PART PRIOR TO HIS OR HER RETIREMENT OR WITH AN
18 EMPLOYEE ORGANIZATION WITH WHICH SUCH EMPLOYEE ORGANIZATION IS THEN
19 AFFILIATED. THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF
20 THE COMPTROLLER FOR EMPLOYEES OF THE STATE UNIVERSITY AND BY THE APPRO-
21 PRIATE FISCAL OFFICER FOR EMPLOYEES OF AN ELECTING EMPLOYER SHALL THERE-
22 AFTER DEDUCT FROM THE RETIREMENT ALLOWANCE OF SUCH ELECTING EMPLOYEE THE
23 AMOUNT OF MEMBERSHIP DUES AND SUCH AMOUNTS REQUIRED TO BE PAID BY SUCH
24 ELECTING EMPLOYEE FOR SUCH AUTHORIZED EMPLOYEE ORGANIZATION-SPONSORED

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

LBD10514-01-5

1 BENEFIT PLANS, AND SHALL TRANSMIT THE SUM SO DEDUCTED TO SAID RETIREE
2 ORGANIZATION. SUCH AUTHORIZATION SHALL CONTINUE IN EFFECT UNTIL REVOKED
3 IN WRITING BY SUCH ELECTING EMPLOYEE. FOR PURPOSES OF THIS SECTION, THE
4 TERM "EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS" SHALL INCLUDE ANY
5 AND ALL INSURANCE PLANS AND/OR OTHER BENEFIT PLANS SPONSORED BY SUCH
6 RETIREE ORGANIZATION WHETHER PROVIDED BY (A) A NOT-FOR-PROFIT CORPO-
7 RATION LICENSED UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW; (B) ANY
8 INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE; (C) A HEALTH
9 MAINTENANCE ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO
10 ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW; OR (D) A SELF-INSURANCE
11 ARRANGEMENT, WELFARE FUND OR BENEFIT FUND.

12 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RETIRED ELECTED
13 EMPLOYEE SHALL HAVE THE RIGHT, AT ANY TIME AFTER HIS OR HER RETIREMENT,
14 TO EXECUTE AND FILE A DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED
15 INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER FOR
16 EMPLOYEES OF THE STATE UNIVERSITY AND BY THE APPROPRIATE FISCAL OFFICER
17 FOR EMPLOYEES OF AN ELECTING EMPLOYER AUTHORIZING THE PAYMENT OF VOLUN-
18 TARY CONTRIBUTIONS TO THE POLITICAL COMMITTEE, AS DEFINED IN SUBDIVISION
19 ONE OF SECTION 14-100 OF THE ELECTION LAW, OF SUCH ELECTING EMPLOYEE'S
20 EMPLOYEE ORGANIZATION, PROVIDED SUCH ORGANIZATION IS CERTIFIED OR RECOG-
21 NIZED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AS THE
22 REPRESENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT IN WHICH SUCH
23 RETIRED ELECTING EMPLOYEE WAS THEN EMPLOYED. SUCH AUTHORIZATION SHALL
24 CONTINUE IN EFFECT UNTIL REVOKED IN WRITING BY SUCH ELECTING EMPLOYEE.
25 THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMP-
26 TROLLER FOR EMPLOYEES OF THE STATE UNIVERSITY AND BY THE APPROPRIATE
27 FISCAL OFFICER FOR EMPLOYEES OF AN ELECTING EMPLOYER SHALL DETERMINE THE
28 COST OF ADMINISTERING DEDUCTIONS FOR VOLUNTARY CONTRIBUTIONS TO THE
29 POLITICAL COMMITTEE AND THE COST INCURRED FOR ADMINISTERING SUCH
30 CONTRIBUTIONS SHALL BE PAID FROM THE FUNDS OF THE POLITICAL COMMITTEE.

31 S 2. The education law is amended by adding a new section 6257 to read
32 as follows:

33 S 6257. DEDUCTIONS FROM BENEFITS OF CERTAIN RETIRED MEMBERS. 1.
34 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER WHO IS RETIRED FROM
35 THE BOARD OF HIGHER EDUCATION OPTIONAL RETIREMENT PROGRAM SHALL HAVE THE
36 RIGHT, AT ANY TIME AFTER SUCH MEMBER'S RETIREMENT, TO EXECUTE AND FILE A
37 DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR INSURERS
38 UPON AUDIT AND WARRANT OF THE COMPTROLLER AUTHORIZING THE DEDUCTION FROM
39 SUCH MEMBER'S RETIREMENT ALLOWANCE OF MEMBERSHIP DUES AND SUCH MEMBER'S
40 SHARE OF THE COST FOR EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS AND
41 THE PAYMENT THEREOF TO A RETIREE ORGANIZATION OF WHICH THE MEMBER IS
42 THEN A MEMBER AND WHICH IS THEN AFFILIATED WITH EITHER AN EMPLOYEE
43 ORGANIZATION CERTIFIED OR RECOGNIZED AS THE COLLECTIVE BARGAINING REPRE-
44 SENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT OF WHICH THE MEMBER
45 WAS A PART PRIOR TO HIS OR HER RETIREMENT OR WITH AN EMPLOYEE ORGANIZA-
46 TION WITH WHICH SUCH EMPLOYEE ORGANIZATION IS THEN AFFILIATED. THE
47 DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER
48 SHALL THEREAFTER DEDUCT FROM THE RETIREMENT ALLOWANCE OF SUCH MEMBER THE
49 AMOUNT OF MEMBERSHIP DUES AND SUCH AMOUNTS REQUIRED TO BE PAID BY SUCH
50 MEMBER FOR SUCH AUTHORIZED EMPLOYEE ORGANIZATION-SPONSORED BENEFIT
51 PLANS, AND SHALL TRANSMIT THE SUM SO DEDUCTED TO SAID RETIREE ORGANIZA-
52 TION. SUCH AUTHORIZATION SHALL CONTINUE IN EFFECT UNTIL REVOKED IN WRIT-
53 ING BY SUCH MEMBER. FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE
54 ORGANIZATION-SPONSORED BENEFIT PLANS" SHALL INCLUDE ANY AND ALL INSUR-
55 ANCE PLANS AND/OR OTHER BENEFIT PLANS SPONSORED BY SUCH RETIREE ORGAN-
56 IZATION WHETHER PROVIDED BY (A) A NOT-FOR-PROFIT CORPORATION LICENSED

1 UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW; (B) ANY INSURANCE COMPA-
2 NY AUTHORIZED TO DO BUSINESS IN THIS STATE; (C) A HEALTH MAINTENANCE
3 ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO ARTICLE
4 FORTY-FOUR OF THE PUBLIC HEALTH LAW; OR (D) A SELF-INSURANCE ARRANGE-
5 MENT, WELFARE FUND OR BENEFIT FUND.

6 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A RETIRED MEMBER SHALL
7 HAVE THE RIGHT, AT ANY TIME AFTER HIS OR HER RETIREMENT, TO EXECUTE AND
8 FILE A DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR
9 INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER AUTHORIZING THE
10 PAYMENT OF VOLUNTARY CONTRIBUTIONS TO THE POLITICAL COMMITTEE, AS
11 DEFINED IN SUBDIVISION ONE OF SECTION 14-100 OF THE ELECTION LAW, OF
12 SUCH MEMBER'S EMPLOYEE ORGANIZATION, PROVIDED SUCH ORGANIZATION IS
13 CERTIFIED OR RECOGNIZED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL
14 SERVICE LAW AS THE REPRESENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING
15 UNIT IN WHICH SUCH RETIRED MEMBER WAS THEN EMPLOYED. SUCH AUTHORIZATION
16 SHALL CONTINUE IN EFFECT UNTIL REVOKED IN WRITING BY SUCH MEMBER. THE
17 DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER
18 SHALL DETERMINE THE COST OF ADMINISTERING DEDUCTIONS FOR VOLUNTARY
19 CONTRIBUTIONS TO THE POLITICAL COMMITTEE AND THE COST INCURRED FOR
20 ADMINISTERING SUCH CONTRIBUTIONS SHALL BE PAID FROM THE FUNDS OF THE
21 POLITICAL COMMITTEE.

22 S 3. This act shall take effect one year after it shall have become a
23 law.