

3948

2015-2016 Regular Sessions

I N S E N A T E

February 24, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to special retirement plans for sheriffs, undersheriffs and deputy sheriffs

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

- 1 Section 1. Subdivision a of section 550 of the retirement and social
2 security law, as added by chapter 165 of the laws of 1995, is amended to
3 read as follows:
4 a. 1. "Member" shall mean a person who is employed as a sheriff,
5 undersheriff or deputy sheriff who is engaged directly in criminal law
6 enforcement activities that aggregate fifty per centum of his or her
7 service and is a police officer under the criminal procedure law, as
8 certified by the county sheriff, by any county which elects by resolu-
9 tion duly adopted, to provide the benefits as authorized by this arti-
10 cle[,].
11 2. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVI-
12 SION, MEMBER SHALL ALSO INCLUDE A DEPUTY SHERIFF WHO IS A POLICE OFFICER
13 PURSUANT TO SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL
14 PROCEDURE LAW AS CERTIFIED BY THE MUNICIPAL POLICE COUNCIL, WHO IS
15 EMPLOYED BY NASSAU OR SUFFOLK COUNTY; PROVIDED THAT THE EMPLOYER HAS
16 FILED AN ELECTION TO THAT EFFECT PURSUANT TO PARAGRAPH TWO OF SUBDIVI-
17 SION J OF SECTION FIVE HUNDRED FIFTY-TWO OF THIS ARTICLE.
18 S 2. Subdivision j of section 552 of the retirement and social securi-
19 ty law, as added by chapter 165 of the laws of 1995, is amended to read
20 as follows:
21 j. 1. As used in this section "creditable service" shall include, any
22 and all services performed as a sheriff, undersheriff or deputy sheriff,
23 provided, however, that criminal law enforcement service shall only be

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

LBD07744-02-5

1 creditable when it aggregates fifty per centum or more of his or her
2 service as a deputy sheriff.

3 2. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVI-
4 SION, A PARTICIPATING EMPLOYER MAY ELECT ON A FORM FILED WITH THE COMP-
5 TROLLER FOR THAT PURPOSE TO PROVIDE THAT CREDITABLE SERVICE SHALL ALSO
6 INCLUDE ANY AND ALL SERVICE PERFORMED BY A DEPUTY SHERIFF WHO IS A
7 POLICE OFFICER PURSUANT TO SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF
8 THE CRIMINAL PROCEDURE LAW AS CERTIFIED BY THE MUNICIPAL POLICE COUNCIL.

9 3. AS USED IN PARAGRAPH TWO OF THIS SUBDIVISION, PARTICIPATING EMPLOY-
10 ER SHALL MEAN NASSAU OR SUFFOLK COUNTY.

11 4. Credit for service as a member or officer of the state police or as
12 a paid fireman, policeman or officer of any organized fire department or
13 police force or department of any county, city, village, town, fire
14 district or police district, or as a criminal investigator in the office
15 of a district attorney, provided that service as such investigator shall
16 have been rendered prior to January first, nineteen hundred sixty and
17 that credit therefor shall not exceed five years, shall also be deemed
18 to be creditable service and shall be included in computing years of
19 total service for retirement pursuant to this section, provided such
20 service was performed by the member while contributing to the retirement
21 system pursuant to the provisions of this article or article eight of
22 this chapter.

23 S 3. This act shall take effect on the ninetieth day after it shall
24 have become a law.

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

This bill would allow Nassau County and Suffolk County to elect to provide that creditable service on the 20 year retirement plan for sheriffs shall also include all service performed by a deputy sheriff who is a police officer pursuant to subdivision thirty-four of section 1.20 of the criminal procedure law as certified by the municipal police council.

If this bill is enacted, this bill could provide service credit on a 20 year retirement plan or a 25 year retirement plan, where it otherwise would not be creditable. However, in all likelihood this bill would affect very few members. The cost of this bill would be minimal.

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, 2014 actuarial valuation. Distributions and other statistics can be found in the 2014 Report of the Actuary and the 2014 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012, 2013 and 2014 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, 2014 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 January 28, 2015 and intended for use only during the 2015 Legislative Session, is Fiscal Note No. 2015-51, prepared by the Actuary for the New York State and Local Employees' Retirement System.