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

7670--A

I N S E N A T E

May 12, 2016

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to the retirement allowance of certain retired persons employed by a community college

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

Section 1. Subdivision 2 of section 211 of the retirement and social security law is amended by adding a new paragraph (d) to read as follows:

(D) NOTWITHSTANDING ANY PROVISION OF THIS SUBDIVISION, ANY RETIRED NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM MEMBER WHO RECEIVED APPROVAL PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION FOR EMPLOYMENT BY A COMMUNITY COLLEGE AS A FULL-TIME TEACHING FACULTY MEMBER UNDER A CRIMINAL JUSTICE, FIRE SCIENCE OR EMERGENCY MANAGEMENT PROGRAM OF THE STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK SHALL BE DEEMED TO HAVE RECEIVED SUCH APPROVAL FOR THE DURATION OF HIS OR HER CONTINUOUS EMPLOYMENT WITH SUCH COMMUNITY COLLEGE AS A FACULTY MEMBER UNDER SUCH A PROGRAM. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, SUCH RETIRED MEMBER SHALL BE DEEMED TO HAVE BEEN GRANTED A WAIVER OF ANY RETIREMENT EARNINGS LIMITATION AND MAY BE EMPLOYED WITHOUT SUSPENSION OR DIMINUTION OF HIS OR HER RETIREMENT ALLOWANCE FOR THE DURATION OF SUCH CONTINUOUS EMPLOYMENT. FOR PURPOSES OF THIS PARAGRAPH, A RETIRED NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM MEMBER IS A PERSON WHO WAS NOT OTHERWISE GAINFULLY EMPLOYED AT ANY TIME AFTER RETIREMENT FROM PUBLIC SERVICE PRIOR TO THE COMMENCEMENT OF EMPLOYMENT WITH A COMMUNITY COLLEGE OF THE STATE UNIVERSITY OF NEW YORK OR CITY UNIVERSITY OF NEW YORK AS A FULL-TIME TEACHING FACULTY MEMBER UNDER A CRIMINAL JUSTICE, FIRE SCIENCE OR EMERGENCY MANAGEMENT PROGRAM.

S 2. Any person who is currently employed by a community college of the state university of New York or city university of New York as a full-time teaching faculty member under a criminal justice, fire science

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

LBD11894-04-6

or emergency management program, received approval pursuant to paragraph (a) of subdivision two of section two hundred eleven of the retirement and social security law for such employment, and who was not otherwise gainfully employed at any time after retirement from public service and prior to the commencement of employment with a community college of the state university of New York or city university of New York as a full-time teaching faculty member under a criminal justice, fire science or emergency management program shall be deemed to have received approval pursuant to section two hundred eleven of the retirement and social security law for the duration of his or her continuous employment with such community college of the state university of New York or city university of New York as a faculty member under a criminal justice, fire science or emergency management program and shall be deemed to have been granted a waiver of any retirement earnings limitation and may be employed without suspension or diminution of his or her retirement allowance.

S 3. This act shall take effect immediately.

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

This bill will allow retirees of the New York State and Local Police and Fire Retirement System to work in a community college as a faculty member of a criminal justice, fire science or emergency management program of the state university of New York or city university of New York without loss, suspension or diminution of his or her retirement allowance.

If this bill is enacted, we expect few retirees to be affected. There would be negligible additional annual costs.

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, 2015 actuarial valuation. Distributions and other statistics can be found in the 2015 Report of the Actuary and the 2015 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 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, 2015 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 May 27, 2016, and intended for use only during the 2016 Legislative Session, is Fiscal Note No. 2016-11, prepared by the Actuary for the New York State and Local Retirement System.