

10639

I N A S S E M B L Y

June 10, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Ramos) --
read once and referred to the Committee on Governmental Employees

AN ACT to provide temporary retirement incentive for certain public employees

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

1 Section 1. This act enacts into law components of legislation that
2 would establish an age 55/25 temporary retirement incentive for certain
3 public employees.

4 S 2. Legislative findings. The legislature finds and declares that the
5 retirement benefit for certain public employees who are above age 55 and
6 with 25 years of service provided for in this act is intended only to be
7 temporary in nature for employees who are eligible to receive and quali-
8 fy for the applicable benefit during the applicable time periods speci-
9 fied in this act. Further, nothing in this act shall be construed to
10 create an expectation of a future or continuing retirement benefit for
11 any public employee who is not eligible to receive and qualify for the
12 retirement benefits herein during the applicable time periods.

13 S 3. Definitions. As used in this act, unless the context clearly
14 requires otherwise:

15 (a) "Retirement system" means the New York state teachers' retirement
16 system.

17 (b) "Teachers' retirement system" means the New York state teachers'
18 retirement system.

19 (c) "Educational employer" means a participating employer which is a
20 school district, a board of cooperative educational services, a voca-
21 tional education and extension board, an institution for the instruction
22 of the deaf and of the blind as enumerated in section 4201 of the educa-
23 tion law, or a school district as enumerated in section 1 of chapter 566
24 of the laws of 1967, as amended.

25 (d) "Eligible employee" means a person who is a member of the teach-
26 ers' retirement system, who is an employee of an educational employer,
27 who holds a position represented by the recognized collective bargaining
28 units affiliated with the New York state united teachers employee organ-

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

LBD11309-09-6

1 ization as certified by his or her employer, and who has attained the
2 age of fifty-five and has at least twenty-five years of creditable
3 service in the retirement system.

4 (e) "Active service" means service while being paid on the payroll,
5 provided that (i) a leave of absence with pay shall be deemed active
6 service; (ii) other approved leave without pay not to exceed twelve
7 weeks from March 1, 2016 and the commencement of the designated open
8 period; and (iii) the period of time subsequent to the June 2016 school
9 term and on or before August 31, 2016 for a teacher (or other employee
10 as defined in this act, employed on a school-year basis) who is other-
11 wise in active service on the effective date of this act shall be deemed
12 active service.

13 (f) "Open period" means the period beginning with the commencement
14 date as defined in subdivision (g) of this section and shall be 60 days
15 in length. For educational employers who make election after June 30,
16 2016, the open period shall begin immediately after such election, and
17 shall not extend beyond August 31, 2016. For the purposes of retirement
18 pursuant to this act, a service retirement application must be filed
19 with the appropriate retirement system not less than 14 days prior to
20 the effective date of retirement to become effective, unless a shorter
21 time period is permitted under law.

22 (g) "Commencement date" means the first day the retirement benefit
23 mandated by this act shall be made available, which shall mean a date or
24 dates on or after the effective date of this act to be determined by the
25 educational employer which elects to participate pursuant to section
26 four of this act, but no sooner than June 30, 2016.

27 S 4. On or after June 30, 2016 an educational employer may elect to
28 provide its employees the retirement incentive authorized by this act by
29 the adoption of a resolution of its governing body. A copy of such
30 resolution shall be filed with the appropriate retirement system. The
31 resolution shall be accompanied by the affidavit of the school board
32 president or trustee or other comparable official certifying the validi-
33 ty of such resolution.

34 S 5. Notwithstanding any other provision of law, any eligible employee
35 serving in an eligible title who (a) has been continuously in the active
36 service of an educational employer who has elected to participate in the
37 retirement incentive provided in section six of this act, pursuant to
38 section four of this act, from March 1, 2016 to the date immediately
39 prior to the commencement date of the applicable open period, (b) files
40 an application for service retirement that is effective during the open
41 period, and (c) is otherwise eligible for a service retirement as of the
42 effective date of the application for retirement shall be entitled to
43 the retirement benefit provided in section six of this act.

44 S 6. Notwithstanding any other provision of law, any eligible employee
45 who is: (a) a member of the teachers' retirement system, and (b) enti-
46 tled to retirement benefits pursuant to section five of this act may
47 retire during the open period without the reduction of his or her
48 retirement benefit that would otherwise be imposed by article 11 or 15
49 of the retirement and social security law if he or she has attained the
50 age of 55 and has completed at least 25 or more years of creditable
51 service. An eligible employee who is covered by the provisions of arti-
52 cle 11 or 15 of the retirement and social security law shall retire
53 under the provisions of article 11 or 15 of the retirement and social
54 security law.

55 S 7. The pension benefit costs of section six of this act shall be
56 paid by employers as provided by applicable law for the retirement

1 system covered by this act over a period not to exceed five years
2 commencing in the state fiscal year ending March 31, 2018.

3 S 8. Notwithstanding any other provision of law, this act shall have
4 no impact on retirement incentives, options or inducements offered as
5 part of a contractual agreement between an eligible employee and an
6 educational employer which were negotiated prior to the effective date
7 of this act.

8 S 9. Severability clause. If any clause, sentence, paragraph, subdi-
9 vision, section or part of this act shall be adjudged by any court of
10 competent jurisdiction to be invalid, such judgment shall not affect,
11 impair, or invalidate the remainder thereof, but shall be confined in
12 its operation to the clause, sentence, paragraph, subdivision, section
13 or part thereof directly involved in the controversy in which such judg-
14 ment shall have been rendered. It is hereby declared to be the intent of
15 the legislature that this act would have been enacted even if such
16 invalid provisions had not been included herein.

17 S 10. This act shall take effect immediately.

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

This bill would provide a temporary retirement incentive to members of the New York State Teachers' Retirement System during fiscal year 2016-2017. This incentive would permit eligible members to retire without an early retirement reduction upon attainment of at least age 55 with 25 years of service. Currently 30 years of service are required in order to retire without reduction. In order to receive this benefit, a member of an employer who has elected to participate must retire during the designated 60-day open period, beginning on or after June 30, 2016 which shall not extend beyond August 31, 2016. In order to be eligible, a member must be an employee of an educational employer and hold a position represented by one of the recognized collective bargaining units affiliated with the New York State United Teachers (NYSUT) as certified by his or her employer. In order to participate in this retirement incentive, the educational employer must be a school district, a board of cooperative educational services, a vocational education and extension board, an institution for the instruction of the deaf and of the blind as enumerated in Section 4201 of the Education Law or a school district as enumerated in Section 1 of Chapter 566 of the Laws of 1967. Employers who elect to participate would pay the cost of the retirement incentive over a period not to exceed five years, beginning in the state fiscal year ending March 31, 2018.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$30.0 million or .19% of payroll 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 2016-25 dated May 12, 2016 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2016 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.