

5327--C

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 18, 2015

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Introduced by M. of A. ABBATE, SALADINO -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- 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 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, PROVIDED  
15 THAT THE EMPLOYER HAS FILED AN ELECTION TO THAT EFFECT PURSUANT TO PARA-  
16 GRAPH TWO OF SUBDIVISION J OF SECTION FIVE HUNDRED FIFTY-TWO OF THIS  
17 ARTICLE.

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

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1 S 2. Subdivision j of section 552 of the retirement and social securi-  
2 ty law, as added by chapter 165 of the laws of 1995, is amended to read  
3 as follows:

4 j. 1. As used in this section "creditable service" shall include, any  
5 and all services performed as a sheriff, undersheriff or deputy sheriff,  
6 provided, however, that criminal law enforcement service shall only be  
7 creditable when it aggregates fifty per centum or more of his or her  
8 service as a deputy sheriff.

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

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

27 S 3. Subdivision h of section 551 of the retirement and social securi-  
28 ty law, as added by chapter 165 of the laws of 1995, is amended to read  
29 as follows:

30 h. 1. As used in this section "creditable service" shall include, any  
31 and all services performed as a sheriff, undersheriff or deputy sheriff,  
32 provided, however, that criminal law enforcement service shall only be  
33 creditable when it aggregates fifty per centum or more of his or her  
34 service as a deputy sheriff. Credit for service as a member or officer  
35 of the state police or as a paid fireman, policeman or officer of any  
36 organized fire department or police force or department of any county,  
37 city, village, town, fire district or police district, or as a criminal  
38 investigator in the office of a district attorney, provided that service  
39 as such investigator shall have been rendered prior to January first,  
40 nineteen hundred sixty and that credit therefor shall not exceed five  
41 years, shall also be deemed to be creditable service and shall be  
42 included in computing years of total service for retirement pursuant to  
43 this section, provided such service was performed by the member while  
44 contributing to the retirement system pursuant to the provisions of this  
45 article or article eight of this chapter.

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

52 S 4. Notwithstanding any other provision of law to the contrary, none  
53 of the provisions of this act shall be subject to the appropriation  
54 requirement of section twenty-five of the retirement and social security  
55 law.

56 S 5. This act shall take effect immediately.

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

This bill would allow a County to elect to provide that creditable service on the 20 year retirement plan or the 25 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 June 4, 2015 and intended for use only during the 2015 Legislative Session, is Fiscal Note No. 2015-132, prepared by the Actuary for the New York State and Local Employees' Retirement System.