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

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2015-2016 Regular Sessions

I N S E N A T E

May 12, 2015

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 396-a to read as follows:

S 396-A. DEDUCTIONS FROM BENEFITS OF CERTAIN RETIRED MEMBERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTING EMPLOYEE WHO IS RETIRED FROM THE OPTIONAL RETIREMENT SYSTEM SHALL HAVE THE RIGHT, AT ANY TIME AFTER SUCH ELECTING EMPLOYEE'S RETIREMENT, TO EXECUTE AND FILE A DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER FOR EMPLOYEES OF THE STATE UNIVERSITY AND BY THE APPROPRIATE FISCAL OFFICER FOR EMPLOYEES OF AN ELECTING EMPLOYER AUTHORIZING THE DEDUCTION FROM SUCH ELECTING EMPLOYEE'S RETIREMENT ALLOWANCE OF MEMBERSHIP DUES AND SUCH ELECTING EMPLOYEE'S SHARE OF THE COST FOR EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS AND THE PAYMENT THEREOF TO A RETIREE ORGANIZATION OF WHICH THE ELECTING EMPLOYEE IS THEN A MEMBER AND WHICH IS THEN AFFILIATED WITH EITHER AN EMPLOYEE ORGANIZATION CERTIFIED OR RECOGNIZED AS THE COLLECTIVE BARGAINING REPRESENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT OF WHICH THE ELECTING EMPLOYEE WAS A PART PRIOR TO HIS OR HER RETIREMENT OR WITH AN EMPLOYEE ORGANIZATION WITH WHICH SUCH EMPLOYEE ORGANIZATION IS THEN AFFILIATED. THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER FOR EMPLOYEES OF THE STATE UNIVERSITY AND BY THE APPROPRIATE FISCAL OFFICER FOR EMPLOYEES OF AN ELECTING EMPLOYER SHALL THEREAFTER DEDUCT FROM THE RETIREMENT ALLOWANCE OF SUCH ELECTING EMPLOYEE THE AMOUNT OF MEMBERSHIP DUES AND SUCH AMOUNTS REQUIRED TO BE PAID BY SUCH ELECTING EMPLOYEE FOR SUCH AUTHORIZED EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS, AND SHALL TRANSMIT THE SUM SO DEDUCTED TO SAID RETIREE

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

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ORGANIZATION. SUCH AUTHORIZATION SHALL CONTINUE IN EFFECT UNTIL REVOKED IN WRITING BY SUCH ELECTING EMPLOYEE. FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS" SHALL INCLUDE ANY AND ALL INSURANCE PLANS AND/OR OTHER BENEFIT PLANS SPONSORED BY SUCH RETIREE ORGANIZATION WHETHER PROVIDED BY (A) A NOT-FOR-PROFIT CORPORATION LICENSED UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW; (B) ANY INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE; (C) A HEALTH MAINTENANCE ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW; OR (D) A SELF-INSURANCE ARRANGEMENT, WELFARE FUND OR BENEFIT FUND.

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

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

S 6257. DEDUCTIONS FROM BENEFITS OF CERTAIN RETIRED MEMBERS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER WHO IS RETIRED FROM THE BOARD OF HIGHER EDUCATION OPTIONAL RETIREMENT PROGRAM SHALL HAVE THE RIGHT, AT ANY TIME AFTER SUCH MEMBER'S RETIREMENT, TO EXECUTE AND FILE A DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER AUTHORIZING THE DEDUCTION FROM SUCH MEMBER'S RETIREMENT ALLOWANCE OF MEMBERSHIP DUES AND SUCH MEMBER'S SHARE OF THE COST FOR EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS AND THE PAYMENT THEREOF TO A RETIREE ORGANIZATION OF WHICH THE MEMBER IS THEN A MEMBER AND WHICH IS THEN AFFILIATED WITH EITHER AN EMPLOYEE ORGANIZATION CERTIFIED OR RECOGNIZED AS THE COLLECTIVE BARGAINING REPRESENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT OF WHICH THE MEMBER WAS A PART PRIOR TO HIS OR HER RETIREMENT OR WITH AN EMPLOYEE ORGANIZATION WITH WHICH SUCH EMPLOYEE ORGANIZATION IS THEN AFFILIATED. THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER SHALL THEREAFTER DEDUCT FROM THE RETIREMENT ALLOWANCE OF SUCH MEMBER THE AMOUNT OF MEMBERSHIP DUES AND SUCH AMOUNTS REQUIRED TO BE PAID BY SUCH MEMBER FOR SUCH AUTHORIZED EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS, AND SHALL TRANSMIT THE SUM SO DEDUCTED TO SAID RETIREE ORGANIZATION. SUCH AUTHORIZATION SHALL CONTINUE IN EFFECT UNTIL REVOKED IN WRITING BY SUCH MEMBER. FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS" SHALL INCLUDE ANY AND ALL INSURANCE PLANS AND/OR OTHER BENEFIT PLANS SPONSORED BY SUCH RETIREE ORGANIZATION WHETHER PROVIDED BY (A) A NOT-FOR-PROFIT CORPORATION LICENSED UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW; (B) ANY INSURANCE COMPA-

NY AUTHORIZED TO DO BUSINESS IN THIS STATE; (C) A HEALTH MAINTENANCE ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW; OR (D) A SELF-INSURANCE ARRANGEMENT, WELFARE FUND OR BENEFIT FUND.

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

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