

5295

2015-2016 Regular Sessions

I N   S E N A T E

May 12, 2015

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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:

1     Section 1. The education law is amended by adding a new section 396-a  
2     to read as follows:  
3     S 396-A. DEDUCTIONS FROM BENEFITS OF CERTAIN RETIRED MEMBERS. 1.  
4     NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTING EMPLOYEE WHO IS  
5     RETIRED FROM THE OPTIONAL RETIREMENT SYSTEM SHALL HAVE THE RIGHT, AT ANY  
6     TIME AFTER SUCH ELECTING EMPLOYEE'S RETIREMENT, TO EXECUTE AND FILE A  
7     DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR INSURERS  
8     UPON AUDIT AND WARRANT OF THE COMPTROLLER FOR EMPLOYEES OF THE STATE  
9     UNIVERSITY AND BY THE APPROPRIATE FISCAL OFFICER FOR EMPLOYEES OF AN  
10    ELECTING EMPLOYER AUTHORIZING THE DEDUCTION FROM SUCH ELECTING EMPLOY-  
11    EE'S RETIREMENT ALLOWANCE OF MEMBERSHIP DUES AND SUCH ELECTING EMPLOY-  
12    EE'S SHARE OF THE COST FOR EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS  
13    AND THE PAYMENT THEREOF TO A RETIREE ORGANIZATION OF WHICH THE ELECTING  
14    EMPLOYEE IS THEN A MEMBER AND WHICH IS THEN AFFILIATED WITH EITHER AN  
15    EMPLOYEE ORGANIZATION CERTIFIED OR RECOGNIZED AS THE COLLECTIVE BARGAIN-  
16    ING REPRESENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT OF WHICH THE  
17    ELECTING EMPLOYEE WAS A PART PRIOR TO HIS OR HER RETIREMENT OR WITH AN  
18    EMPLOYEE ORGANIZATION WITH WHICH SUCH EMPLOYEE ORGANIZATION IS THEN  
19    AFFILIATED. THE DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF  
20    THE COMPTROLLER FOR EMPLOYEES OF THE STATE UNIVERSITY AND BY THE APPRO-  
21    PRIATE FISCAL OFFICER FOR EMPLOYEES OF AN ELECTING EMPLOYER SHALL THERE-  
22    AFTER DEDUCT FROM THE RETIREMENT ALLOWANCE OF SUCH ELECTING EMPLOYEE THE  
23    AMOUNT OF MEMBERSHIP DUES AND SUCH AMOUNTS REQUIRED TO BE PAID BY SUCH  
24    ELECTING EMPLOYEE FOR SUCH AUTHORIZED EMPLOYEE ORGANIZATION-SPONSORED  
25    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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1 ORGANIZATION. SUCH AUTHORIZATION SHALL CONTINUE IN EFFECT UNTIL REVOKED  
2 IN WRITING BY SUCH ELECTING EMPLOYEE. FOR PURPOSES OF THIS SECTION, THE  
3 TERM "EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS" SHALL INCLUDE ANY  
4 AND ALL INSURANCE PLANS AND/OR OTHER BENEFIT PLANS SPONSORED BY SUCH  
5 RETIREE ORGANIZATION WHETHER PROVIDED BY (A) A NOT-FOR-PROFIT CORPO-  
6 RATION LICENSED UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW; (B) ANY  
7 INSURANCE COMPANY AUTHORIZED TO DO BUSINESS IN THIS STATE; (C) A HEALTH  
8 MAINTENANCE ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO  
9 ARTICLE FORTY-FOUR OF THE PUBLIC HEALTH LAW; OR (D) A SELF-INSURANCE  
10 ARRANGEMENT, WELFARE FUND OR BENEFIT FUND.

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

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

32 S 6257. DEDUCTIONS FROM BENEFITS OF CERTAIN RETIRED MEMBERS. 1.  
33 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MEMBER WHO IS RETIRED FROM  
34 THE BOARD OF HIGHER EDUCATION OPTIONAL RETIREMENT PROGRAM SHALL HAVE THE  
35 RIGHT, AT ANY TIME AFTER SUCH MEMBER'S RETIREMENT, TO EXECUTE AND FILE A  
36 DEDUCTION AUTHORIZATION CARD WITH THE DESIGNATED INSURER OR INSURERS  
37 UPON AUDIT AND WARRANT OF THE COMPTROLLER AUTHORIZING THE DEDUCTION FROM  
38 SUCH MEMBER'S RETIREMENT ALLOWANCE OF MEMBERSHIP DUES AND SUCH MEMBER'S  
39 SHARE OF THE COST FOR EMPLOYEE ORGANIZATION-SPONSORED BENEFIT PLANS AND  
40 THE PAYMENT THEREOF TO A RETIREE ORGANIZATION OF WHICH THE MEMBER IS  
41 THEN A MEMBER AND WHICH IS THEN AFFILIATED WITH EITHER AN EMPLOYEE  
42 ORGANIZATION CERTIFIED OR RECOGNIZED AS THE COLLECTIVE BARGAINING REPRE-  
43 SENTATIVE OF ALL EMPLOYEES IN THE NEGOTIATING UNIT OF WHICH THE MEMBER  
44 WAS A PART PRIOR TO HIS OR HER RETIREMENT OR WITH AN EMPLOYEE ORGANIZA-  
45 TION WITH WHICH SUCH EMPLOYEE ORGANIZATION IS THEN AFFILIATED. THE  
46 DESIGNATED INSURER OR INSURERS UPON AUDIT AND WARRANT OF THE COMPTROLLER  
47 SHALL THEREAFTER DEDUCT FROM THE RETIREMENT ALLOWANCE OF SUCH MEMBER THE  
48 AMOUNT OF MEMBERSHIP DUES AND SUCH AMOUNTS REQUIRED TO BE PAID BY SUCH  
49 MEMBER FOR SUCH AUTHORIZED EMPLOYEE ORGANIZATION-SPONSORED BENEFIT  
50 PLANS, AND SHALL TRANSMIT THE SUM SO DEDUCTED TO SAID RETIREE ORGANIZA-  
51 TION. SUCH AUTHORIZATION SHALL CONTINUE IN EFFECT UNTIL REVOKED IN WRIT-  
52 ING BY SUCH MEMBER. FOR PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE  
53 ORGANIZATION-SPONSORED BENEFIT PLANS" SHALL INCLUDE ANY AND ALL INSUR-  
54 ANCE PLANS AND/OR OTHER BENEFIT PLANS SPONSORED BY SUCH RETIREE ORGAN-  
55 IZATION WHETHER PROVIDED BY (A) A NOT-FOR-PROFIT CORPORATION LICENSED  
56 UNDER ARTICLE FORTY-THREE OF THE INSURANCE LAW; (B) ANY INSURANCE COMPA-

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

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

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