STATE OF NEW YORK

7193

2017-2018 Regular Sessions

IN ASSEMBLY

April 12, 2017

Introduced by M. of A. PERRY -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to providing for the automatic enrollment for employees whose right to membership has been made optional by the head of the public retirement system involved

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 45 of the retirement and social security law, as added by chapter 878 of the laws of 1986, is amended to read as follows:

§ 45. Right to membership. **a.** Upon the employment of any employee whose right to membership in a public retirement system of the state, which for purposes of this section shall include any public retirement system other than the New York state teachers' retirement system, has been made optional by the head of the retirement system involved, the employer shall **provide the respective automatic contribution arrangement for the employee to join the retirement system and** inform the employee in writing of the right to join the system **as well as the fact that the employee has been enrolled**. **Such employer shall then allow the employee ninety days to opt-out of the retirement system.** Each such employee shall acknowledge the receipt of such notice by signing a copy thereof and filing it with such employer; provided, however, the failure to inform such employee shall not in any way be construed to waive the requirement that membership for such an employee commences only when an application for membership is filed with the system, nor shall it be construed to waive any of the eligibility requirements for previous service credit.

b. Each employer shall, on or before April first of each year, provide each employee eligible for, but not enrolled in, a public retirement system with an estimate of the employee's costs to purchase their previous service credits from their eligible positions with said employer and

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

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enroll in the public retirement system. Each such employee shall acknowledge the receipt of such estimate by signing a copy thereof and filing it with such employer.

§ 2. This act shall take effect immediately.