STATE OF NEW YORK

10997

IN ASSEMBLY

September 9, 2020

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

AN ACT granting retroactive membership in the New York city employees' retirement system to Gregory Dunlavey and Angelo Pisani

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

Section 1. Notwithstanding any other law to the contrary, Gregory Dunlavey, who was employed as a rackets investigator with the New York city district attorney with a start date of July 19, 2010, and Angelo Pisani, who was employed as a rackets investigator with the New York city district attorney with a start date of February 7, 2007, both of whom failed to indicate on their initial retirement member applications participation in either the district attorney investigators 25 year plan as provided by section 13-157.1 of the administrative code of the city of New York or the district attorney investigators 20 year plan as provided by section 13-157.4 of the administrative code of the city of New York, may file an application to opt in to either plan effective as of the member's respective start date. The application must be filed with the New York city employees' retirement system within one year from the effective date of this act.

§ 2. Any additional contributions will be borne by the respective members and made prior to retirement.

§ 3. All employer past service costs associated with implementing the provisions of this act shall be borne by the city of New York and may be amortized over a ten-year period.

§ 4. This act shall take effect immediately.

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

SUMMARY OF BILL: The proposed legislation would permit Gregory Dunlavey and Angelo Pisani, two active Tier 2 District Attorney Investigators and members of the New York City Employees' Retirement System (NYCERS), to elect, by filing an application with NYCERS within one year in which the proposed legislation is passed, to be granted membership in the Tier 2 20-Year or 25-Year District Attorney Investigator (IDA) Plan for NYCERS.

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

LBD13105-02-0

Effective Date: Upon enactment.

BACKGROUND: Mr. Dunlavey and Mr. Pisani initially joined the NYCERS Modified Career Pension Plan (CPP) for Tier 2 members in 2010 and 2007, respectively. Although eligible to elect either the NYCERS IDA 20-Year or 25-Year Plan within 180 days of becoming an investigator member, neither made such election.

Mr. Dunlavey and Mr. Pisani have earned approximately nine years and 18 years of NYCERS service, respectively (the latter reflects six years of purchased service). For purposes of this Fiscal Note, we have assumed that they will both elect the IDA 20-Year Plan and they will make the employee contributions, including foregone interest, that would have been required had they been members of the IDA 20-Year plan from the time they initially joined NYCERS.

FINANCIAL IMPACT - PRESENT VALUES: The estimated financial impact of this proposal has been calculated based on the difference between (1) the present value of benefits Mr. Dunlavey and Mr. Pisani would receive if the IDA 20-Year Plan were elected and (2) the present value of the Tier 2 benefits in the NYCERS Modified CPP Plan.

Based on the actuarial assumptions and methods described herein, and assuming that both Mr. Dunlavey and Mr. Pisani elected the IDA 20-Year Plan, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately $112,000, and decrease the Present Value of future member contributions by approximately $23,000, resulting in an increase in the present value of future employer contributions of approximately $135,000.

Under the Entry Age Normal cost method used to determine the employer contributions to NYCERS, there would be an increase in the Unfunded Accrued Liability (UAL) of approximately $141,000 and a decrease in the Present Value of future employer Normal Cost of $6,000.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Administrative Code of the City of New York (ACCNY) Section 13-638.2(k-2), new UAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2019, the average remaining working lifetime for Mr. Dunlavey and Mr. Pisani is approximately nine years under the IDA 20-Year Plan.

For purposes of this Fiscal Note, the increase in UAL was amortized over a nine-year period (eight payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This payment plus the increase in the Normal Cost results in an increase in annual employer contributions of approximately $37,000 each year.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the June 30, 2019 actuarial valuation of the NYCERS. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2021.

CENSUS DATA: As of June 30, 2019, Mr. Dunlavey was approximately age 35, had approximately 9.0 years of service, and a salary of $96,970.

As of June 30, 2019, Mr. Pisani was approximately age 51, had approximately 18.0 years of service, and a salary of $88,412.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2018 (Lag) actuarial valuation

used to determine the Preliminary Fiscal Year 2020 employer contributions of NYCERS.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of NYCERS and other New York City agencies to implement the proposed legislation.

* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2020-11 dated March 4, 2020 was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2020 Legislative Session.