# STATE OF NEW YORK

5915

2019-2020 Regular Sessions

# IN ASSEMBLY

February 20, 2019

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

AN ACT authorizing the beneficiary of Robert Carballeira to receive an enhanced pension benefit on his behalf

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

Section 1. Notwithstanding section 101 of the retirement and social security law, the beneficiary of Robert Carballeira, who was a member of the New York state and local employees' retirement system and employed by the county of Suffolk, now deceased, shall be entitled to a benefit based on the total service credit to which he was entitled at the time of his earlier retirement on August 30, 1997 including all credit received pursuant to chapter 41 of the laws of 1997, in addition with all member service credit earned by him subsequent to his last restoration to membership on March 1, 2003, if, within one year of the effective date of this act, such beneficiary shall file an application therefor with the state comptroller. Such total service credit to which he was entitled at the time of his earlier retirement shall be so credited without requiring such member to return to the retirement system with regular interest the actuarial equivalent of the amount of the retirement allowance he received, and the actuarial equivalent thereof shall not be deducted from his subsequent retirement allowance. Such benefit will be recalculated as of January 15, 2008. In addition to the recalculated benefit that the beneficiary will receive for her lifetime, retroactive to the pensioner's date of death, the beneficiary will receive a retroactive payment based on the difference between the recalculated benefit and the benefit which was paid to Robert Carballeira prior to his death.

§ 2. All past service costs of implementing the provisions of this act shall be borne by the county of Suffolk.

§ 3. This act shall take effect immediately.

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

LBD07955-02-9

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

This bill would authorize the beneficiary of Robert Carballeira to receive an enhanced pension benefit. Mr. Carballeira retired August 30, 1997 under the retirement incentive authorized by chapter 41 of the laws of 1997. He restored to membership in 2003 and subsequently retired on January 15, 2008. This bill would provide an enhanced pension based on all service credit earned, including the retirement incentive credit, without requiring that the retirement allowance that was paid be returned to the retirement system.

If this bill is enacted during the 2019 legislative session, there will be an immediate past service cost of approximately $431,000 which will be borne by Suffolk County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020.

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, 2018 actuarial valuation. Distributions and other statistics can be found in the 2018 Report of the Actuary and the 2018 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017 and 2018 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, 2018 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 7, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-68, prepared by the Actuary for the New York State and Local Retirement System.