STATE OF NEW YORK

7132--C

2019-2020 Regular Sessions

IN ASSEMBLY

April 10, 2019

Introduced by M. of A. ABBATE, PALUMBO, DenDEKKER, GRIFFIN, LiPETRI -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to allowing retired public employees who participated in World Trade Center rescue, recovery or cleanup operations to seek subsequent employment with the state or a municipal corporation without diminution of retirement benefits

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

Section 1. Section 212 of the retirement and social security law is amended by adding a new subdivision 4 to read as follows:

4. Notwithstanding the provisions of subdivisions one and two of this section, the earning limitations established by this section shall not apply to any person who, prior to the effective date of this subdivision, has filed and received approval for such filed notice of participation in World Trade Center rescue, recovery or cleanup operations, as defined in section two of this chapter, has retired from public employment, receives a service retirement allowance from such public retirement system and seeks subsequent employment with the state or a municipal corporation; provided, however, the provisions of this subdivision shall not apply to a person who retired with a disability retirement benefit.

§ 2. This act shall take effect immediately.

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

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

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This bill will allow service retirees who previously filed and received approval for notice of participation in World Trade Center rescue, recovery or cleanup operations and become subsequently employed with the state or a municipal corporation to be exempt from the earnings limitations set forth in section two hundred twelve. These provisions shall not apply to disability retirees.

If this bill is enacted, we expect few retirees to be affected. There would be negligible additional annual costs. However, if large numbers of retirees are hired into such positions, there would be additional annual costs which would be shared by the state of New York and all of the participating employers in the System.

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, 2019 actuarial valuation. Distributions and other statistics can be found in the 2019 Report of the Actuary and the 2019 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015, 2016, 2017, 2018, and 2019 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, 2019 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 January 28, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-25, prepared by the Actuary for the New York State and Local Retirement System.