

STATE OF NEW YORK

8459

2019-2020 Regular Sessions

IN ASSEMBLY

July 8, 2019

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

AN ACT to amend the retirement and social security law, in relation to annual earnings limitations for retired police officers employed by a police department as part-time police officers or by a school district as school resource officers

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

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

3 4. Notwithstanding the provisions of subdivisions one and two of this
4 section, such annual earnings limitations for a retired police officer
5 employed by a police department as a part-time police officer or a
6 retired police officer employed by a school district in either the clas-
7 sified or unclassified service as a school resource officer, school
8 safety officer, school security officer or any other substantially simi-
9 lar position or office that is designed to provide safety and/or securi-
10 ty on school grounds, provided that such retired police officer is duly
11 qualified, competent and physically fit for performance of the duties of
12 the position in which he or she is to be employed as determined by the
13 school district and is properly certified where such certification is
14 required, shall be \$65,000 for the year two thousand nineteen and there-
15 after.

16 § 2. This act shall take effect immediately.

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

Insofar as this bill will affect the New York State and Local Police and Fire Retirement System (PFRS), this bill will allow retired police officers who are employed by a police department as a part-time police officer or retired police officers who are employed by a school district as a school resource officer, school safety officer, school security officer or any other substantially similar position or office that is

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

LBD13050-02-9

designed to provide safety and/or security on school grounds with an annual salary of \$65,000 or less to continue to receive their full retirement benefit. Currently, retired police officers employed by a school district as a school resource officer are allowed to earn up to \$30,000 and receive their full retirement benefit.

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 PFRS.

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 June 7, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-135, prepared by the Actuary for the New York State and Local Retirement System.