

STATE OF NEW YORK

3547

2019-2020 Regular Sessions

IN SENATE

February 8, 2019

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize Dustin Waldron to receive certain service credit under section 384-d of the retirement and social security law

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the village of East Aurora, in the county of Erie, a participating
3 employer in the New York state and local police and fire retirement
4 system, which previously elected to offer the optional twenty-year
5 retirement plan, established pursuant to section 384-d of the retirement
6 and social security law, to police officers employed by such village, is
7 hereby authorized to make participation in such plan available to Dustin
8 Waldron, a police officer employed by such village, who, for reasons not
9 ascribable to his own negligence, failed to make a timely application to
10 participate in such optional twenty-year retirement plan. Thereafter,
11 Dustin Waldron may elect to be covered by the provisions of section
12 384-d of the retirement and social security law, and shall be entitled
13 to the full rights and benefits associated with coverage under such
14 section as well as section 384-e of such law, provided that a request to
15 that effect is filed with the state comptroller within one year from the
16 effective date of this act.

17 § 2. All past service costs associated with implementing the
18 provisions of this act shall be borne by the village of East Aurora and
19 may be amortized over a period of five years.

20 § 3. This act shall take effect immediately.

Fiscal Note.--Pursuant to Legislative Law, Section 50:

This bill would allow the Village of East Aurora to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for police officer Dustin Waldron.

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

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If this bill is enacted during the 2019 legislative session and Dustin Waldron becomes covered under the provisions of Section 384-d together with Section 384-e, we anticipate that there will be an increase of approximately \$8,500 in the annual contributions of the village of East Aurora for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of Dustin Waldron change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of \$75,700 which will be borne by the village of East Aurora as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If the village of East Aurora elects to amortize this cost over a 5 year period, the cost for the first year would be \$17,300.

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 6, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-35, prepared by the Actuary for the New York State and Local Retirement System.