

STATE OF NEW YORK

10204

IN ASSEMBLY

March 24, 2020

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

AN ACT to amend the retirement and social security law, in relation to the retiree earnings cap for health care officials and workers during a declared public health related state of emergency

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 earning limitations for retired persons set
4 forth in this section, state and local governments may hire retired
5 public health officials and workers at any reasonable earning level in
6 times of a declared public health related state of emergency declared by
7 the governor, provided that such retirees hired during such state of
8 emergency are hired and continue to be employed for the purpose of
9 combatting COVID-19.

10 § 2. This act shall take effect immediately.

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

This bill would exempt from the earnings limitations set forth in Section 212 of the Retirement and Social Security Law (RSSL) any retired public health officials and workers rehired at any reasonable earning level in times of a declared public health related state of emergency declared by the Governor, provided that such retirees hired during such state of emergency are hired and continue to be employed for the purpose of combatting COVID-19.

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), if this legislation is enacted during the 2020 legislative session, we expect there would be negligible additional annual costs. However, if large numbers of retirees are hired into positions with lucrative earning levels over long periods of time, there could be additional annual costs which would be shared by the state of New York and all of the participating employers in the NYSLRS.

Summary of relevant resources:

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

LBD15822-04-0

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 March 16, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-98, prepared by the Actuary for the New York State and Local Retirement System.