STATE OF NEW YORK

10811

IN ASSEMBLY

July 15, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gunther) -- read once and referred to the Committee on Governmental Employees

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to David Goodman

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

Section 1. Notwithstanding any other provision of law to the contrary, David Goodman, a member of the New York state and local employees' retirement system, who on November 24, 2009 commenced part time employment with the town of Marcy, and who applied for membership in such retirement system on December 2, 2009, and who, for reasons not ascribable to his own negligence, failed to become a member of the New York state and local employees' retirement system on December 2, 2009 and therefore has tier V instead of tier IV status, shall be deemed to have joined such retirement system on November 24, 2009, the commencement of his employment with the town of Marcy, if within one year of the effective date of this act he shall file an application therefor with the state comptroller. Upon receipt of such application, David Goodman shall be deemed to have joined the New York state and local employees' retirement system on November 24, 2009.

§ 2. All past service costs of implementing the provisions of this act shall be borne by the town of Marcy, and there shall be no refund of member contributions to David Goodman.

§ 3. This act shall take effect immediately.

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

This bill would allow David Goodman, currently a Tier 6 member of the New York State and Local Employees' Retirement System, to elect into Tier 4 by changing his date of membership to November 24, 2009. There will be no refund of member contributions.

If this bill is enacted during the 2020 legislative session, we anticipate that there will be an increase of approximately $5,500 in the annual contributions of the Mohawk Valley Psychiatric Center for the fiscal year ending March 31, 2021. In future years, this cost will vary as the billing rates and salary of David Goodman change.

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

LBD15820-03-0

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $46,800 which will be borne by the Town of Marcy as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2021.

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 June 23, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-124, prepared by the Actuary for the New York State and Local Retirement System.