STATE OF NEW YORK

10867

IN ASSEMBLY

July 24, 2020

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

AN ACT to authorize Scott Berger 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:

Section 1. Notwithstanding any other provision of law to the contrary, Scott Berger, a member of the New York state and local police and fire retirement system, who was employed as a police officer with the village of Frankfort, from May 5, 2000 through December, 2002, and who, through no fault of his own, failed to file a timely application to participate in the special twenty-year retirement plan contained in section 384-d of the retirement and social security law resulting in the crediting of his service with the village of Frankfort in the general retirement plan contained in section 375-c of such law, shall be granted such service credit under section 384-d of the retirement and social security law for his period of employment with the village of Frankfort, provided a request to that effect is filed with the state comptroller within one year from the effective date of this act.

§ 2. All employer past service costs associated with implementing the provisions of this act shall be borne by the village of Frankfort and may be amortized over a period of ten years.

§ 3. This act shall take effect immediately.

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

This bill would grant Scott Berger, a Tier 2 member of the New York State and Local Police and Fire Retirement System, additional service creditable under the provisions of section 384-d together with section 384-e of the Retirement and Social Security Law for time worked as a police officer with the Village of Frankfort between May 2000 and December 2002. Such service is currently creditable only in the age 55 retirement plan of section 375-c. Officer Berger is currently employed by the City of Utica and covered under 384-e.

If this bill is enacted during the 2020 legislative session, there will be an immediate past service cost of approximately $36,000 which

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

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will be borne by the Village of Frankfort as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2021. If the Village of Frankfort elects to amortize this cost over a 10 year period, the cost for the first year including interest would be $4,760.

There will be no increase in the annual contributions of the City of Utica.

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 July 21, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-130, prepared by the Actuary for the New York State and Local Retirement System.