# STATE OF NEW YORK

8787--A

2019-2020 Regular Sessions

# IN ASSEMBLY

November 25, 2019

Introduced by M. of A. BYRNES -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive membership in the New York state and local employees' retirement system to Shawn Coveny

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

Section 1. Notwithstanding any other law to the contrary, Shawn Coveny, an employee of the New York State Department of Corrections and Community Supervision and a member of the New York state and local employees' retirement system, who was employed as a New York state park aide for Letchworth State Park as a seasonal employee in the summer of 2008, who for reasons not ascribable to his own negligence, failed to become a member of such retirement system during such employment by Letchworth State Park in 2008, shall be deemed to have joined the New York state and local employees' retirement system on the date May 31, 2008 if, within one year of the effective date of this act, he shall file a written request with the state comptroller.

§ 2. No contributions made to the New York state and local employees' retirement system by Shawn Coveny shall be returned or refunded to him pursuant to this act.

§ 3. All past service costs of implementing the provisions of this act shall be borne by the state of New York.

§ 4. This act shall take effect immediately.

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

This bill would change the date of membership for Shawn Coveny, a current Tier 6 member in the New York State and Local Employees' Retirement System employed by the New York State Department of Corrections and Community Supervision, to May 31, 2008, his first date of employment

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

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with Letchworth State Park. There will be no refund of member contributions.

If this bill is enacted during the 2020 legislative session, there will be an increase of approximately $4,800 in the annual contributions of the State of New York for the fiscal year ending March 31, 2021. In future years, this cost will vary as the billing rates and salary of Shawn Coveny change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $4,170 which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 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 May 27, 2020, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-115, prepared by the Actuary for the New York State and Local Retirement System.