STATE OF NEW YORK

5785

2019-2020 Regular Sessions

IN SENATE

May 14, 2019

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

AN ACT to authorize certain police officers to receive certain service credit under sections 384 and 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, Jonathan Roman, David Arroyo, and Vincent Fiumara, members of the New York state and local police and fire retirement system, who were appointed as police officers with the village of Port Chester on August 4, 2014, and who, through no fault of their own, were enrolled to participate in the special twenty-five year retirement plan contained in section 384 of the retirement and social security law, shall be given full credit in the special twenty year retirement plan contained in section 384-d of the retirement and social security law for such service upon the election of the village of Port Chester to assume the additional cost of such service. The village of Port Chester may so elect by filing with the state comptroller within 180 days of the effective date of this act, a resolution of its legislative body, together with certification that such police officers did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such officers may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to this effect with the state comptroller within one year of the effective date of this act.

§ 2. Notwithstanding any other provision of law to the contrary, Jason Behar, a member of the New York state and local police and fire retirement system, who transferred as a police officer from the city of Mount Vernon to the village of Port Chester on May 26, 2015, and who, through

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

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no fault of his own, was enrolled to participate in the special twenty year retirement plan contained in section 384-d of the retirement and social security law, shall be given full credit in the optional retirement plan contained in section 384 of the retirement and social security law for such service upon the election of the village of Port Chester to assume the additional cost of such service. The village of Port Chester may so elect by filing with the state comptroller, within 180 days of the effective date of this act, a resolution of its legislative body together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, Jason Behar may elect to be covered by the provisions of section 384 of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller within one year of the effective date of this act.

§ 3. All past service costs associated with implementing the provisions of this act shall be borne by the village of Port Chester and may be amortized over a ten year period.

§ 4. This act shall take effect immediately.

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

This bill will allow the village of Port Chester to reopen the provisions of Section 384-d of the Retirement and Social Security Law (RSSL) for police officers Jonathan Roman, David Arroyo and Vincent Fiumara and to reopen the provisions of Section 384 of RSSL for police officer Jason Behar.

If this bill is enacted during the 2019 legislative session and Jonathan Roman, David Arroyo and Vincent Fiumara become covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately $12,000 in the annual contributions of the village of Port Chester for the fiscal year ending March 31, 2020. In future years, this cost will vary as the billing rates and salary of these police officers change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of $43,000, which will be borne by the village of Port Chester as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020. If the village elects to amortize this cost over a 10 year period, the cost for the first year would be $5,730.

If Jason Behar becomes covered under the provisions of Section 384, there will be an immediate cost for the return of member contributions of $17,300 which will be borne by the village of Port Chester as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2020.

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 May 13, 2019, and intended for use only during the 2019 Legislative Session, is Fiscal Note No. 2019-107, prepared by the Actuary for the New York State and Local Retirement System.