# STATE OF NEW YORK

7264

# IN SENATE

January 15, 2020

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

AN ACT to authorize Stephen Watkins to elect to be covered by 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, Stephen Watkins, a member of the New York state and local police and fire retirement system, who was employed as a police officer with the town of Manlius, from August 5, 2005 through September 12, 2016, and who is currently employed as a police officer with the town of Camillus, since September 12, 2016, and who, through no fault of his own, twice 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 town of Manlius and the town of Camillus in the general retirement plan contained in section 375-c of such law, shall be given full credit in the special twenty-year retirement plan for such additional service upon the election of the town of Camillus to assume the additional cost of such service. The town of Camillus may so elect by filing with the state comptroller, within 180 days of the effective date of this act, a resolution of its local 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, such police officer 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 that effect with the state comptroller within one year of the effective date of this act. If the town of Camillus elects to file such resolution, such police officer shall be given full credit for his time as a police officer with the town of Manlius and the town of Camillus.

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

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

§ 3. This act shall take effect immediately.

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

This bill will allow the Town of Camillus to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Stephen Watkins. If the Town of Camillus so elects, Officer Watkins will be given full credit under the special twenty year plan for service rendered as a police officer with both the Town of Camillus and the Town of Manlius.

If this bill is enacted during the 2020 legislative session, and Officer Watkins becomes covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately $7,300 in the annual contributions of the Town of Camillus for the fiscal year ending March 31, 2021. In future years, this cost will vary as the billing rate and salary of Officer Watkins change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of $128,000 which will be borne by the Town of Camillus as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2021. If the Town of Camillus elects to amortize this cost over a 10-year period, the cost for the first year would be $16,900.

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 judgement of an attorney.

This estimate, dated December 20, 2019, and intended for use only during the 2020 Legislative Session, is Fiscal Note No. 2020-18, prepared by the Actuary for the New York State and Local Retirement System.