

# STATE OF NEW YORK

5914

2021-2022 Regular Sessions

## IN ASSEMBLY

March 2, 2021

Introduced by M. of A. PAULIN, ENGLEBRIGHT, ZEBROWSKI, McDONOUGH, BRABE-  
NEC -- read once and referred to the Committee on Governmental Employ-  
ees

AN ACT to amend the retirement and social security law, in relation to  
annual earnings limitations for retired police officers

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

1 Section 1. Section 212 of the retirement and social security law is  
2 amended by adding a new subdivision 4 to read as follows:

3 4. Notwithstanding the provisions of subdivisions one and two of this  
4 section, such annual earnings limitations for a retired police officer  
5 employed by a school district or a board of cooperative educational  
6 services, in either the classified or unclassified service as a school  
7 resource officer, school safety officer, school security officer or any  
8 other substantially similar position or office that is designed to  
9 provide safety and/or security on school grounds, provided that such  
10 retired police officer is duly qualified, competent and physically fit  
11 for performance of the duties of the position in which he or she is to  
12 be employed as determined by the school district or board of cooperative  
13 educational services and is properly certified where such certification  
14 is required, shall be fifty thousand dollars for the year two thousand  
15 twenty-one and thereafter.

16 § 2. This act shall take effect immediately.

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

Insofar as this bill would affect the New York State and Local Police  
and Fire Retirement System (PFRS), this bill would allow retired police  
officers who are employed by a school district as a school resource  
officer, school safety officer, school security officer or any other  
substantially similar position with an annual salary of \$50,000 or less  
and continue to receive their full retirement benefit. Currently, the  
salary limit is \$35,000.

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

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If this bill is enacted, we expect few retirees to be affected. There would be negligible additional annual costs. However, if large numbers of retirees are hired into such positions, there would be additional annual costs which would be shared by the state of New York and all of the participating employers in the PFRS.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 January 21, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-51, prepared by the Actuary for the New York State and Local Retirement System.