STATE OF NEW YORK

3099--A

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. KAPLAN, ADDABBO, FELDER, GALLIVAN, GAUGHRAN, HARCKHAM, JORDAN, KAMINSKY, MANNION, MAYER, SKOUFIS, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

4. Notwithstanding the provisions of subdivisions one and two of this section, such annual earnings limitations for a retired police officer employed by a school district in either the classified or unclassified service as a school resource officer, school safety officer, school security officer or any other substantially similar position or office that is designed to provide safety and/or security on school grounds, provided that such retired police officer is duly qualified, competent and physically fit for performance of the duties of the position in which he or she is to be employed as determined by the school district and is properly certified where such certification is required, shall be $65,000 for the year two thousand twenty-two and thereafter.

§ 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 (NYSLPFRS), 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

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

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other substantially similar position or office that is designed to provide safety and/or security on school grounds with an annual salary of $65,000 or less to continue to receive their full retirement benefit. Currently, the salary limit is $35,000.

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 NYSLPFRS.

Summary of relevant resources:

Membership data as of March 31, 2021 was used in measuring the impact of the proposed change, the same data used in the April 1, 2021 actuarial valuation. Distributions and other statistics can be found in the 2021 Report of the Actuary and the 2021 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 and 2021 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, 2021 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 March 28, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-111, prepared by the Actuary for the New York State and Local Retirement System.