STATE OF NEW YORK

4860--A

2021-2022 Regular Sessions

IN SENATE

February 16, 2021

Introduced by Sen. KENNEDY -- 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 authorize the widow of William James Middlebrooks to file a retirement option election form

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, Janice Middlebrooks, the widow of William James Middlebrooks who was employed by the Albion Correctional Facility, was a member of the New York state and local employees' retirement system, was diagnosed with cancer in January of 2004, was advised on October 31, 2004 that he would be unable to return to employment as the result of his malignancy and the treatment therefor, and died on December 3, 2006 prior to filing a retirement election form with the New York state and local employees' retirement system, shall be authorized to file such option election form on behalf of her deceased husband with a joint allowance full option, if on or before December 31, 2022 she shall submit a request therefor to the state comptroller. In addition, his application for disability retirement shall be deemed to have become effective on November 1, 2004. All retirement benefits payable pursuant to the provisions of this act shall be paid to Janice Middlebrooks and shall be in addition to any other death benefits paid.

§ 2. This act shall take effect immediately.

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

This bill would authorize Janice Middlebrooks to file an ordinary disability application with a date of retirement of November 1, 2004 and an option election form with a joint allowance full option on behalf of

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

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her deceased husband William James Middlebrooks. The deceased received a disability retirement which was paid beginning on 3/28/2005. Upon death all payments ceased because no option election form was filed. By filing the disability application and an option election form, an additional benefit will be paid for the period beginning on 11/1/04 and ending on 3/28/05, and a benefit will continue to Janice Middlebrooks for her lifetime.

If this bill is enacted during the 2022 legislative session, there will be an immediate past service cost of $426,000 which will be shared by the State of New York and all of the participating employers in the New York State and Local Employees' Retirement System.

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 May 23, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-145, prepared by the Actuary for the New York State and Local Retirement System.