STATE OF NEW YORK

6585

2021-2022 Regular Sessions

IN SENATE

May 7, 2021

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

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Brian Zielinski

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

Section 1. Notwithstanding any other provision of the law to the contrary, Brian Zielinski, an employee of the New York state department of environmental conservation and a member of the New York state and local employees' retirement system, who was employed as a temporary food service worker with the New York state department of environmental conservation from June 11, 2005 until August 20, 2005, who for reasons not ascribable to his own negligence, failed to become a member of such retirement system during such employment with the department of environmental conservation in 2005, shall be deemed to have joined the New York state and local employees' retirement system on the date June 11, 2005 and shall be granted Tier IV status in such retirement system, if, within one year of the effective date of this act, he shall file a written request with the state comptroller.

§ 2. No contributions made to the New York state and local employees' retirement system by Brian Zielinski shall be returned or refunded to him pursuant to this act.

§ 3. All past service costs of implementing the provision of this act shall be borne by the state of New York.

§ 4. This act shall take effect immediately.

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

This bill would allow Tier 4 status in the New York State and Local Employees' Retirement System to be granted to Brian Zielinski, a current Tier 5 member employed by the New York State Department of Environmental Conservation, by changing his date of membership to June 11, 2005. There will be no refund of member contributions.

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 during the 2021 legislative session, we anticipate that there will be an increase of approximately $2,400 in the annual contributions of the State of New York for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of Brian Zielinski change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $40,200 which will be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2022.

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 April 2, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-115, prepared by the Actuary for the New York State and Local Retirement System.