

# STATE OF NEW YORK

6732

2021-2022 Regular Sessions

## IN SENATE

May 13, 2021

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

AN ACT to authorize Michelle Rickard to receive certain credit under 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:

1 Section 1. Notwithstanding any other provision of law, Michelle Rick-  
2 ard, currently a town of Hamburg police officer and member of the New  
3 York state and local police and fire retirement system covered by  
4 section 384-d of the retirement and social security law, who between  
5 January 21, 2003 and June 22, 2008 was employed by the Erie county sher-  
6 iff's department where she was a member of the New York state and local  
7 employees' retirement system, and who, for reasons not ascribable to her  
8 own negligence, was not granted service credit under section 384-d of  
9 the retirement and social security law for her period of employment with  
10 the Erie county sheriff's department, shall be granted such service  
11 credit under section 384-d of the retirement and social security law and  
12 shall be entitled to the full rights and benefits associated with cover-  
13 age under such section, provided a request to that effect is filed with  
14 the state comptroller within one year from the effective date of this  
15 act. Prior to Michelle Rickard submitting such request, she must first  
16 file an application for tier reinstatement with the New York state and  
17 local police and fire retirement system, as she has previously withdrawn  
18 her membership with the New York state and local employees' retirement  
19 system. Once any costs associated with Michelle Rickard's tier rein-  
20 statement to her prior membership are paid in full by her, she may be  
21 granted the service credit and such service credit will be creditable  
22 service under section 384-d of the retirement and social security law  
23 for Michelle Rickard.

24 § 2. All past service costs incurred in implementing the provisions of  
25 this act shall be borne by the town of Hamburg.

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

LBD04180-03-1

1 § 3. This act shall take effect immediately.

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

This bill would grant service credit under section 384-d of the Retirement and Social Security Law to Michelle Rickard, a current member of the New York State and Local Police and Fire Retirement System (PFRS), for the period of January 21, 2003 through June 22, 2008, during which time the officer was employed as a deputy sheriff in Erie County. Currently, deputy sheriff service is not creditable in a PFRS twenty year police retirement plan. Michelle Rickard is currently employed by the Town of Hamburg.

If this bill is enacted during the 2021 legislative session, there will be an immediate past service cost of approximately \$235,000 which will be borne by the Town of Hamburg as a one-time payment. This estimate is based on the assumption that payment will be made on February 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 May 12, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-43, prepared by the Actuary for the New York State and Local Retirement System.