STATE OF NEW YORK

7168

2021-2022 Regular Sessions

IN SENATE

June 4, 2021

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT granting David Ladd retroactive Tier IV membership in the New York state and local employees' retirement system

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, David Ladd, a member of the New York state and local employees' retirement system, who on November 30, 2009 commenced employment with the New York City Department of Probation, and who separated from the New York city employees' retirement system on January 7, 2011 and joined the New York state employees' retirement system, and has purchased credited service to November 30, 2009, and who, for reasons not ascribable to his own negligence, failed to become a member of the New York city employees' retirement system on November 30, 2009 and therefore has Tier V instead of Tier IV status, shall be deemed to have joined such retirement system on November 30, 2009, the commencement of his employment with the New York City Department of Probation, if within one year of the effective date of this act he shall file an application therefor with the state comptroller. Upon receipt of such application, David Ladd shall be deemed to have joined the retirement system on November 30, 2009.

§ 2. All past service costs of implementing the provisions of this act shall be borne by the state of New York, and there shall be no refund of the members contributions to David Ladd.

§ 3. This act shall take effect immediately.

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

This bill would change David Ladd's date of membership in the New York State and Local Employees' Retirement System (ERS) to November 30, 2009, resulting in Tier 4 status. Currently, David Ladd is a Tier 5 member in ERS. No member contributions will be refunded because of this bill.

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 $3,000 in the annual contributions of Jefferson County for the fiscal year ending March 31, 2022. In future years, this cost will vary as the billing rates and salary of the member change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $4,950 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 June 2, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-151, prepared by the Actuary for the New York State and Local Retirement System.