STATE OF NEW YORK

7209

2021-2022 Regular Sessions

IN SENATE

June 7, 2021

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

AN ACT granting a retroactive retirement date of August 5, 2010 from the New York state and local police and fire retirement system for Cariol Horne

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, Cariol Horne, who is a member of the New York state and local police and fire retirement system, and was employed by the city of Buffalo police department as a police officer, shall be deemed eligible for a service retirement benefit effective August 5, 2010. Due to no fault of her own, Ms. Horne was ineligible to file for her service retirement benefit with the New York state and local police and fire retirement system on August 5, 2010, based on her wrongful termination from the city of Buffalo police department. At the time of her termination she was ineligible to qualify for a service retirement benefit because she did not have twenty qualifying years of service credit necessary to retire under her special retirement plan established pursuant to section 384-d of the retirement and social security law. On April 13, 2021, a grave injustice was corrected when Cariol Horne's termination was vacated and she was subsequently reinstated to the Buffalo police department for the period of July 26, 2008 through August 4, 2010, which provided her with the necessary twenty years of qualifying service credit required under her special plan. Within one year from the effective date of this act, Cariol Horne may file with the New York state and local police retirement system an application for service retirement benefits with an effective date of retirement of August 5, 2010. Once such application is received, any rights or benefits payable to Ms. Horne shall be retroactive to the effective date of her retirement. Upon receipt of such request, the New York state and local police and fire retirement system,

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

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shall pay Cariol Horne the retirement benefits she otherwise would have received if she had retired on August 5, 2010, without interest.

§ 2. All past service costs associated with implementing this act shall be borne by the city of Buffalo.

§ 3. This act shall take effect immediately.

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

This bill would provide police officer Cariol Horne a service retirement benefit commencing August 5, 2010. Currently, Officer Horne is entitled to a service retirement benefit commencing April 9, 2019.

If this bill is enacted during the 2021 legislative session, there will be an immediate past service cost of approximately $300,000 which will be borne by the City of Buffalo 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 June 7, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-150, prepared by the Actuary for the New York State and Local Retirement System.