STATE OF NEW YORK

9141

IN SENATE

May 11, 2022

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

AN ACT to authorize the county of Clinton to offer an optional twenty-five year retirement plan to certain deputy sheriffs employed by such county

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, the county of Clinton, a participating employer in the New York state employees' retirement system, which has elected to offer the optional twenty-five year retirement plan, established pursuant to article 14-B of the retirement and social security law, to deputy sheriffs employed by such county, is hereby authorized to make participation in such plan available to Tanner Hooker, a deputy sheriff employed by the county of Clinton with a start date of May 27, 2019, Timothy Schwartz, a deputy sheriff employed by the county of Clinton with a start date of April 14, 2020, and Ian Vanier, a deputy sheriff employed by the county of Clinton with a start date of February 18, 2019, who, for reasons not ascribable to their own negligence, failed to make a timely application to participate in such optional twenty-five year plan contained in article 14-B of the retirement and social security law. The county of Clinton may so elect by filing with the state Comptroller, on or before 180 days after this act shall have become law, a resolution of its governing body together with certification that such deputy sheriffs did not bar themselves from participation in the retirement plan as a result of their own negligence. Thereafter, such deputy sheriffs may individually elect to be covered by the provisions of section 551 of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request with the state within one year of the effective date of this act.

§ 2. All employer past service costs associated with implementing the provisions of this act shall be borne by the county of Clinton and may be amortized over a five year period.

§ 3. This act shall take effect immediately.

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

LBD15472-02-2

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

This bill would allow Tanner Hooker, Timothy Schwartz and Ian Vanier, all current members of the New York State and Local EmployeesÆ Retirement System employed as deputy sheriffs by Clinton County and covered under the 25-year retirement plan of section 89-p of the Retirement and Social Security Law (RSSL), to elect to be covered under the 25-year plan of section 551 of the RSSL.

If this bill is enacted during the 2022 legislative session, we anticipate that there will be an increase of approximately $1,500 in the annual contributions of Clinton County for the fiscal year ending March 31, 2023. In future years, this cost will vary as the billing rates and salary of Tanner Hooker, Timothy Schwartz, and Ian Vanier change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $4,770 which will be borne by Clinton County as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2023. If Clinton County elects to amortize this cost over a 5-year period, the cost for the first year including interest would be $1,070.

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 10, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-126, prepared by the Actuary for the New York State and Local Retirement System.