STATE OF NEW YORK

7242

2021-2022 Regular Sessions

IN ASSEMBLY

April 29, 2021

Introduced by M. of A. WALCZYK -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to granting Sean O'Brien additional service credit with 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, Sean O'Brien, currently an undersheriff with the St. Lawrence County Sheriff's Office and member of the New York state and local employees' retirement system covered by section 552 of the retirement and social security law, who for the period beginning January 16, 2003 and ending on May 23, 2003, was employed as a police officer by the village of Massena and enrolled in the Basic Course for Police Officers at the State University of New York College of Technology at Canton, and who, for reasons not ascribable to his own negligence, was not granted service credit for his period of training, shall be granted such service credit under section 552 of the retirement and social security law, if on or before the thirty-first of December next succeeding the effective date of this act, he shall file a written request to that effect with the state comptroller.

§ 2. All past service costs incurred in implementing the provisions of this act shall be borne by the village of Massena.

§ 3. This act shall take effect immediately.

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

This bill would allow detective Sean O'Brien to receive service credit in the New York State and Local Employees' Retirement System (ERS) for unpaid police officer training for the Village of Massena during the period January 16, 2003 through May 23, 2003. Detective O'Brien is currently a Tier 4 ERS member employed by the St. Lawrence County Sheriff's Office and covered by the provisions of Section 552 of the Retirement and Social Security Law (RSSL). Under current law, salary must be paid for rendered service to be credited. Further, credit for paid

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

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police cadet service is available for purchase under certain New York State and Local Police and Fire Retirement System (PFRS) plans only (no ERS plans) and must be paid by the member.

If this bill is enacted during the 2021 legislative session, there will be an immediate past service cost of approximately $14,800 which will be borne by the Village of Massena as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2022.

The annual contributions of the Village of Massena would not change upon enactment of this legislation as the member's plan coverage is not affected.

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 January 14, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-31, prepared by the Actuary for the New York State and Local Retirement System.