STATE OF NEW YORK

9634

IN ASSEMBLY

March 28, 2022

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

AN ACT to authorize James Unger 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:

Section 1. Notwithstanding any other provision of law, James Unger, currently a town of West Seneca police officer and member of the New York state and local police and fire retirement system covered by section 384-d of the retirement and social security law, who between January 21, 2003 and September 6, 2006 was employed by the Erie county sheriff's department where he was a member of the New York state and local employees' retirement system, and who, for reasons not ascribable to his own negligence, was not granted service credit under section 384-d of the retirement and social security law for his period of employment with the Erie county sheriff's department, shall be granted such service credit under section 384-d of the retirement and social security law and shall be entitled to the full rights and benefits associated with coverage under such section, provided a request to that effect is filed with the state comptroller within one year from the effective date of this act. Prior to James Unger submitting such request, he must first file an application for tier reinstatement with the New York state and local police and fire retirement system, as he has previously withdrawn his membership with the New York state and local employees' retirement system. Once any costs associated with James Unger's tier reinstatement to his prior membership are paid in full by him, he may be granted the service credit and such service credit will be creditable service under section 384-d of the retirement and social security law for James Unger.

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

§ 3. This act shall take effect immediately.

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

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

LBD04185-06-2

This bill would grant service credit under section 384-d together with 384-e of the Retirement and Social Security Law to James Unger, a current member of the New York State and Local Police and Fire Retirement System (PFRS), for the period of January 21, 2003 through September 6, 2006, while employed as a deputy sheriff for Erie County. Currently, deputy sheriff service is not creditable in a PFRS twenty-year police retirement plan. James Unger is currently employed by the Town of West Seneca.

If this bill is enacted during the 2022 legislative session, there will be an immediate past service cost of approximately 208,000 which will be borne by the Town of West Seneca as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2023.

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 February 14, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-89, prepared by the Actuary for the New York State and Local Retirement System.