STATE OF NEW YORK

9690

IN ASSEMBLY

March 28, 2022

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

AN ACT granting retroactive tier IV membership in the New York state and local employees' retirement system to Mark Pavlak

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, Mark Pavlak, a tier VI member of the New York state and local employees' retirement system employed by the town of Thompson who was employed as a full-time employee with Liberty Central School District from July 6, 2007 through August 31, 2007 and July 7, 2008 through August 29, 2008 and who, through no fault of his own, did not become a member of the New York state and local employees' retirement system on July 6, 2007 when he became eligible for membership in such system, shall be deemed to have a date of membership with the New York state and local employees' retirement system of July 6, 2007 if he shall file an application therefore with the state comptroller within one year of the effective date of this act. Upon the receipt of such application, Mark Pavlak shall be granted tier IV status in the New York state and local employees' retirement system and shall be eligible for all the rights and benefits thereof.

§ 2. All past service costs of implementing the provisions of this act shall be borne by Liberty Central School District, and there shall be no refund of member contributions to Mark Pavlak.

§ 3. This act shall take effect immediately.

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

This bill would grant Tier 4 status in the New York State and Local Employees' Retirement System to Mark Pavlak, a current Tier 6 member employed by the Town of Thompson, by changing his date of membership to July 6, 2007. Mark Pavlak was previously employed by the Liberty Central School District from July 2007 to August 2007 and from July 2008 to August 2008. There will be no refund of member contributions.

If this bill is enacted during the 2022 legislative session, we anticipate that there will be an increase of approximately $4,300 in the

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

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annual contributions of the Town of Thompson for the fiscal year ending March 31, 2023. In future years, this cost will vary as the billing rates and salary of Mark Pavlak change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $71,100 which will be borne by the Liberty Central School District 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 March 21, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-107, prepared by the Actuary for the New York State and Local Retirement System.