STATE OF NEW YORK

4952--A

2021-2022 Regular Sessions

IN SENATE

February 19, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize Clifford Swezey to receive a refund from the New York state teachers' retirement system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Notwithstanding the provisions of subdivision b of section 902 of the retirement and social security law, Clifford Swezey, a retired Tier 4 member of the New York state teachers' retirement system who was formerly a member of the New York city teachers' retirement system, with more than ten years of service credit, who then paid contributions as an employee of the Harrison central school district from November 20, 2006 through June 30, 2011 to the New York state teachers' retirement system and on July 18, 2011 initiated a transfer from the New York city teachers' retirement system to the New York state teachers' retirement system, shall be entitled to a refund of the accumulated three percent contributions paid to said retirement system for the period in which the transfer was not initiated and cessation date was not established if an application is filed within one year of the effective date of this act. Such refund of the accumulated three percent contributions shall include interest payable at the rate of five per centum per annum compounded annually and such interest shall be paid through Mr. Swezey's date of retirement of June 30, 2017.

§ 2. All costs associated with the implementation of this act shall be borne by the employers of members of the New York state teachers' retirement system.

§ 3. This act shall take effect immediately.

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

LBD03622-03-2

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

This bill would allow Clifford Swezey, a retired Tier 4 member of the New York State Teachers' Retirement System (NYSTRS), who was formerly a member of the New York City Teachers' Retirement System (NYCTRS) and who initiated a transfer from NYCTRS to NYSTRS on July 18, 2011 to receive a refund of the 3% member contributions paid to NYSTRS for the period in which the transfer was not initiated and the cessation date was not established. Mr. Swezey's refund of member contributions would include interest at the rate of 5% per year through his date of retirement of June 30, 2017. Mr. Swezey must file a written request with the head of the New York State Teachers' Retirement System within one year of the effective date of this bill.

The cost of this benefit is equal to the refund of the accumulated member contributions paid by Mr. Swezey to NYSTRS, which is estimated to be $28,000. This cost is to be borne by the employers of members of the NYSTRS.

Member data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Annual Report. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report and the 2021 Actuarial Assumptions Report.

The source of this estimate is Fiscal Note 2022-42 dated May 19, 2022 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2022 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.