STATE OF NEW YORK

8771

IN SENATE

April 14, 2022

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

AN ACT to authorize the city of Buffalo to offer an optional twenty year retirement plan to firefighters Rhiannon Maguire and Jeffrey Brett

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 city of Buffalo, in the county of Erie, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to firefighters employed by such city, is hereby authorized to make participation in such plan available to Rhiannon Maguire and Jeffrey Brett, firefighters employed by the city of Buffalo, who, for reasons not ascribable to their own negligence, failed to make a timely application to participate in such optional twenty year retirement plan. The city of Buffalo may so elect by filing with the state comptroller, within nine months of the effective date of this act, a resolution of its own common council together with certification that such firefighters did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such firefighters may elect to be covered by the provisions of 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 as well as section 384-e of such law, by filing a request to that effect with the state comptroller 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 city of Buffalo and may be amortized over a ten year period.

§ 3. This act shall take effect immediately.

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

This bill would allow the City of Buffalo to reopen the provisions of Section 384-d, together with Section 384-e, of the Retirement and Social Security Law for firefighters Jeffrey Brett and Rhiannon Maguire.

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

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If this bill is enacted during the 2022 legislative session, we anticipate that there will be an increase of approximately $7,300 in the annual contributions of the City of Buffalo for the fiscal year ending March 31, 2023. In future years, this cost will vary as the billing rates and salary of Jeffrey Brett and Rhiannon Maguire change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $265,000 which will be borne by the City of Buffalo as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2023. If the City of Buffalo elects to amortize this cost over a 10-year period, the cost for the first year including interest would be $33,900.

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 10, 2022, and intended for use only during the 2022 Legislative Session, is Fiscal Note No. 2022-67, prepared by the Actuary for the New York State and Local Retirement System.