STATE OF NEW YORK

10339

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jean-Pierre) -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to granting retroactive membership with Tier IV status in the New York state and local employees' retirement system to Donna Falbo

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, Donna Falbo, a tier VI member of the New York state and local employees' retirement system employed by the North Babylon School District who was employed as a full-time employee with North Babylon School District from September 4, 2007 and who, through no fault of her own, did not become a member of the New York state and local employees' retirement system on September 4, 2007 when she 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 September 4, 2007 if she shall file an application therefor with the state comptroller within one year of the effective date of this act. Upon the receipt of such application, Donna Falbo 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 North Babylon School District, and there shall be no refund of member contributions to Donna Falbo.

§ 3. This act shall take effect immediately.

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

This bill would provide Donna Falbo with a date of membership of September 4, 2007, their date of first employment with the North Babylon School District, resulting in Tier 4 status in the New York State and Local Employees' Retirement System. Donna Falbo is currently a Tier 6 member. There will be no refund of member contributions.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately $2,200 in the annual contributions of the North Babylon School District for the fiscal

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

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year ending March 31, 2025. In future years this cost will vary as the billing rates and salary of Donna Falbo change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $11,900 which will be borne by the North Babylon School District as a onetime payment. This estimate assumes that payment will be made on February 1, 2025.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 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, 2023 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 May 15, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-177, prepared by the Actuary for the New York State and Local Retirement System.