

# STATE OF NEW YORK

4643

2023-2024 Regular Sessions

## IN ASSEMBLY

February 21, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to retirement benefits for certain direct care workers employed by not-for-profit office for people with developmental disabilities providers

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 41.60 to read as follows:

3 § 41.60 Additional expenditures related to retirement benefits.

4 The office for people with developmental disabilities shall annually  
5 reimburse licensed not-for-profit corporations, which provide direct  
6 care to consumers of services approved by the office for people with  
7 developmental disabilities, for the cost of employer contributions to a  
8 retirement benefit fund governed by the provisions of the Federal  
9 Employee Retirement Income Security Act of 1974, as amended. Such  
10 reimbursement shall commence on the first day of April of the calendar  
11 year following the submission by such corporation of the federal Inter-  
12 nal Revenue Service Form 5500 which documents that such employer  
13 contributions were made. Any such corporation may apply to the office  
14 for people with developmental disabilities for expedited reimbursement  
15 of such employer contributions upon demonstrating to such office that  
16 such payments must be made promptly, and that the corporation cannot  
17 reasonably make prompt payment. The office for people with developmental  
18 disabilities shall not reimburse any amount which exceeds ten percent of  
19 the employer's total payroll on December thirty-first of any year in  
20 which contributions are made.

21 § 2. This act shall take effect on the first of April next succeeding  
22 the date on which it shall have become a law.

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

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