STATE OF NEW YORK

5675--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. BRABENEC, MAHER -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive tier IV status in the New York state and local employees' retirement system to Dana Kerstanski

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, Dana Kerstanski, who was employed as a substitute custodian with the Warwick Valley school district with a start date of May 10, 2006, and who is currently a member of the New York state and local employees' retirement system, who through no fault of his own did not become a member of the New York state and local employees' retirement system on May 10, 2006 when first employed by the Warwick Valley school district shall be deemed to have been a member of the New York state and local employees' retirement system on such date he commenced his employment and shall be granted Tier IV status, provided that an application is filed with the head of the New York state and local employees' retirement system within one year from the effective date of this act. Upon the granting of such retroactive membership, Dana Kerstanski shall not be granted a refund of any employee contributed made by him to the New York state and local employees' retirement system.

§ 2. All past services costs associated with the implementation of this act shall be borne by the Warwick Valley school district.

§ 3. This act shall take effect immediately.

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

This bill would provide Dana Kerstanski with a date of membership of May 10, 2006, their date of first employment with the Warwick Valley Central School District, resulting in Tier 4 status in the New York

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

LBD09316-04-4

State and Local Employees' Retirement System. Dana Kerstanski is currently a Tier 6 member employed by the Monroe Woodbury Central School District. 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 $4,100 in the annual contributions of the Monroe Woodbury Central School District for the fiscal year ending March 31, 2025. In future years this cost will vary as the billing rates and salary of Dana Kerstanski change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $49,200 which will be borne by the Warwick Valley Central School District as a one-time 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 January 25, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-73, prepared by the Actuary for the New York State and Local Retirement System.