

STATE OF NEW YORK

6566--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 19, 2023

Introduced by M. of A. RAMOS -- Multi-Sponsored by -- M. of A. GIBBS --
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 to provide a temporary retirement incentive for certain members
of the New York state teachers' retirement system

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

1 Section 1. This act enacts into law components of legislation that
2 would establish an age 55/25 temporary retirement incentive for certain
3 public employees.

4 § 2. Legislative findings. The legislature finds and declares that the
5 retirement benefit for certain public employees who are above age 55 and
6 with 25 years of service provided for in this act is intended only to be
7 temporary in nature for employees who are eligible to receive and quali-
8 fy for the applicable benefit during the applicable time periods speci-
9 fied in this act. Further, nothing in this act shall be construed to
10 create an expectation of a future or continuing retirement benefit for
11 any public employee who is not eligible to receive and qualify for the
12 retirement benefits herein during the applicable time periods.

13 § 3. Definitions. As used in this act, unless the context clearly
14 requires otherwise:

15 (a) "Retirement system" means the New York state teachers' retirement
16 system.

17 (b) "Teachers' retirement system" means the New York state teachers'
18 retirement system.

19 (c) "Educational employer" means a participating employer which is a
20 school district, a board of cooperative educational services, a voca-
21 tional education and extension board, an institution for the instruction
22 of the deaf and of the blind as enumerated in section 4201 of the educa-

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

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1 tion law, or a school district as enumerated in section 1 of chapter 566
2 of the laws of 1967, as amended.

3 (d) "Eligible employee" means a person who is a member of the teach-
4 ers' retirement system, who is an employee of an educational employer,
5 who holds a position represented by the recognized collective bargaining
6 units affiliated with the New York state united teachers employee organ-
7 ization as certified by their employer, and who has attained the age of
8 55 and has at least 25 years of creditable service in the retirement
9 system. For the purposes of this act, the term "eligible employee"
10 shall be deemed to include building level administrators, including, but
11 not limited to, principals and assistant principals.

12 (e) "Active service" means service while being paid on the payroll,
13 provided that (i) a leave of absence with pay shall be deemed active
14 service; (ii) other approved leave without pay not to exceed twelve
15 weeks from March 1, 2024 and the commencement of the designated open
16 period; and (iii) the period of time subsequent to the June 2024 school
17 term and on or before August 31, 2024 for a teacher (or other employee
18 as defined in this act, employed on a school-year basis) who is other-
19 wise in active service on the effective date of this act shall be deemed
20 active service.

21 (f) "Open period" means the period beginning with the commencement
22 date as defined in subdivision (g) of this section and shall be 60 days
23 in length. For educational employers who make election after June 30,
24 2024, the open period shall begin immediately after such election, and
25 shall not extend beyond August 31, 2024. For the purposes of retirement
26 pursuant to this act, a service retirement application must be filed
27 with the appropriate retirement system not less than 14 days prior to
28 the effective date of retirement to become effective, unless a shorter
29 time period is permitted under law.

30 (g) "Commencement date" means the first day the retirement benefit
31 mandated by this act shall be made available, which shall mean a date or
32 dates on or after the effective date of this act to be determined by the
33 educational employer which elects to participate pursuant to section
34 four of this act, but no sooner than June 30, 2024.

35 § 4. On or after June 30, 2024 an educational employer may elect to
36 provide its employees the retirement incentive authorized by this act by
37 the adoption of a resolution of its governing body. A copy of such
38 resolution shall be filed with the appropriate retirement system. The
39 resolution shall be accompanied by the affidavit of the school board
40 president or trustee or other comparable official certifying the validi-
41 ty of such resolution.

42 § 5. Notwithstanding any other provision of law, any eligible employee
43 serving in an eligible title who (a) has been continuously in the active
44 service of an educational employer who has elected to participate in the
45 retirement incentive provided in section six of this act, pursuant to
46 section four of this act, from March 1, 2024 to the date immediately
47 prior to the commencement date of the applicable open period, (b) files
48 an application for service retirement that is effective during the open
49 period, and (c) is otherwise eligible for a service retirement as of the
50 effective date of the application for retirement shall be entitled to
51 the retirement benefit provided in section six of this act.

52 § 6. Notwithstanding any other provision of law, any eligible employee
53 who is: (a) a member of the teachers' retirement system, and (b) enti-
54 tled to retirement benefits pursuant to section five of this act may
55 retire during the open period without the reduction of their retirement
56 benefit that would otherwise be imposed by article 11 or 15 of the

1 retirement and social security law if such eligible employee has
2 attained the age of 55 and has completed at least 25 or more years of
3 creditable service. An eligible employee who is covered by the
4 provisions of article 11 or 15 of the retirement and social security law
5 shall retire under the provisions of article 11 or 15 of the retirement
6 and social security law.

7 § 7. The pension benefit costs of section six of this act shall be
8 paid by employers as provided by applicable law for the retirement
9 system covered by this act over a period not to exceed five years
10 commencing in the state fiscal year ending March 31, 2026.

11 § 8. Notwithstanding any other provision of law, this act shall have
12 no impact on retirement incentives, options or inducements offered as
13 part of a contractual agreement between an eligible employee and an
14 educational employer which were negotiated prior to the effective date
15 of this act.

16 § 9. Severability clause. If any clause, sentence, paragraph, subdi-
17 vision, section or part of this act shall be adjudged by any court of
18 competent jurisdiction to be invalid, such judgment shall not affect,
19 impair, or invalidate the remainder thereof, but shall be confined in
20 its operation to the clause, sentence, paragraph, subdivision, section
21 or part thereof directly involved in the controversy in which such judg-
22 ment shall have been rendered. It is hereby declared to be the intent of
23 the legislature that this act would have been enacted even if such
24 invalid provisions had not been included herein.

25 § 10. This act shall take effect immediately.

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

This bill would provide a temporary retirement incentive to eligible members of the New York State Teachers' Retirement System during fiscal year 2024-2025. This incentive would permit eligible members of an employer who has elected to participate to retire without an early retirement reduction upon attainment of at least age 55 with 25 years of service. Currently attainment of at least age 55 with 30 years of service, or at least age 62 with five years of service, are required to retire without reduction for Tiers 2, 3 and 4 members. Tier 5 members currently must be at least age 57 with 30 years of service, or at least age 62 with five years of service, to retire without reduction. Finally, Tier 6 members are currently required to attain age 63 with five years of service to retire without reduction. To receive this benefit, a member of an employer who has elected to participate must retire during the designated 60-day open period, beginning on or after June 30, 2024 and not extending beyond August 31, 2024. To be eligible, a member must be an employee of an educational employer and hold a position represented by one of the recognized collective bargaining units affiliated with the New York State United Teachers (NYSUT) as certified by his or her employer. To participate in this retirement incentive, the educational employer must be a school district, a board of cooperative educational services, a vocational education and extension board, an institution for the instruction of the deaf and of the blind as enumerated in Section 4201 of the Education Law or a school district as enumerated in Section 1 of Chapter 566 of the Laws of 1967. Employers who elect to participate would pay the cost of the retirement incentive over a period not to exceed five years, beginning in the state fiscal year ending March 31, 2026.

The annual cost, over a five-year period, to the participating employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$64.8 million or 0.33% of payroll if

this bill is enacted. Employers who do not elect to participate would not incur a cost.

Member data is from the System's most recent actuarial valuation files as of June 30, 2023, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2023. 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 as of June 30, 2023, except rates of retirement which have been modified to reflect anticipated participation in the incentives.

The source of this estimate is Fiscal Note 2024-34 dated May 23, 2024 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2024 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.