STATE OF NEW YORK

7332

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to providing that members of a retirement system who retire from such system and later rejoin the retirement system are reinstated as a member of the same tier they were in prior to retirement

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

Section 1. Section 440 of the retirement and social security law is amended by adding a new subdivision f to read as follows:

f. The provisions of this subdivision apply to members of a public retirement system of the state or of a municipality thereof and to employees who would have been eligible to join such a retirement system but in lieu thereof elected an optional retirement program to which his or her employer was required to contribute. Any member or employee who retired from his or her retirement system on or after December thirty-first, two thousand nine and who subsequently rejoins the retirement system or program he or she retired from shall be reinstated in such retirement system as a member of the tier he or she originally was in.

§ 2. Section 500 of the retirement and social security law is amended by adding a new subdivision h to read as follows:

h. The provisions of this subdivision apply to members of a public retirement system of the state or of a municipality thereof and to employees who would have been eligible to join such a retirement system but in lieu thereof elected an optional retirement program to which his or her employer was required to contribute. Any member or employee who retired from his or her retirement system on or after December thirty-first, two thousand nine and who subsequently rejoins the retirement system or program he or she retired from shall be reinstated in such retirement system as a member of the tier he or she originally was in.

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

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§ 3. Section 600 of the retirement and social security law is amended by adding a new subdivision d to read as follows:

d. The provisions of this subdivision apply to members of a public retirement system of the state or of a municipality thereof and to employees who would have been eligible to join such a retirement system but in lieu thereof elected an optional retirement program to which his or her employer was required to contribute. Any member or employee who retired from his or her retirement system on or after December thirty-first, two thousand nine and who subsequently rejoins the retirement system or program he or she retired from shall be reinstated in such retirement system as a member of the tier he or she originally was in.

§ 4. This act shall take effect immediately.