STATE OF NEW YORK

7455--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 23, 2023

Introduced by M. of A. GUNTHER, COLTON, STECK, FRIEND -- 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 amend the retirement and social security law, in relation to authorizing retired firefighters to be employed as instructors of fire sciences by a career and technical education center without diminution of his or her retirement benefits

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

Section 1. The retirement and social security law is amended by adding a new section 214-c to read as follows:

§ 214-c. Employment of certain retired persons who retired from fire service. Notwithstanding the provisions of this chapter or the provisions of any state or local law or charter to the contrary, no retired person who retired from fire service as a member of the New York state and local police and fire retirement system or the New York fire department pension fund, and who is employed by a career and technical education center as an instructor in a fire science program approved by the education department, shall have his or her retirement allowance or benefits suspended or reduced because of compensation earned by such retired person from service as a fire science instructor.

§ 2. This act shall take effect immediately.

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

Insofar as it would affect the New York State and Local Retirement System (NYSLRS), this bill would allow retired firefighters employed as fire science instructors in a program approved by the New York State Department of Education to continue to receive their full retirement benefit. Currently, the post-retirement earnings limit is $35,000.

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

LBD06509-04-4

If this bill were enacted during the 2024 Legislative Session, the direct cost incurred would be the retiree's post-retirement earnings more than $35,000 each calendar year, not to exceed the full pension benefit paid by the NYSLRS during that period.

The number of members and retirees who could be affected by this legislation cannot be readily determined. For each retiree hired pursuant to this proposal, an annual cost of $95,000 is expected. If large numbers of retirees are hired into such positions, significant annual costs would result.

All costs will be shared by the State of New York and all participating employers in the NYSLRS and spread over future billing cycles. Since this proposal exclusively benefits retirees, the increased costs are primarily attributable to retirees from Tiers 1 - 4. Approximately half of all contributions required to fund this proposal will be collected on salary reported for current members of Tier 6.

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 22, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-69, prepared by the Actuary for the New York State and Local Retirement System.