

STATE OF NEW YORK

7547

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

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

AN ACT to amend the retirement and social security law, in relation to authorizing certain persons in an optional twenty year retirement plan for state university police officer service, regional state park police and special investigators for the office of the attorney general

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

1 Section 1. Section 384-e of the retirement and social security law is
2 amended by adding three new subdivisions d, e and f to read as follows:

3 d. Notwithstanding any other provision of law to the contrary, upon
4 completion of twenty years of service, and upon retirement, each such
5 member who was previously credited with service credit in the New York
6 state and local employees' retirement system or the New York state and
7 local police and fire retirement system as an officer appointed by the
8 state university pursuant to paragraph 1 of subdivision two of section
9 three hundred fifty-five of the education law and who has successfully
10 completed a course of law enforcement training as provided in such
11 section of the education law may receive for each such year of previous
12 service, up to a total of no greater than five years of previous
13 service, additional pension equal to one-sixtieth of his or her final
14 average salary.

15 To obtain such credit a member shall pay such retirement system, for
16 deposit in the fund used to accumulate employer contributions, a sum
17 equal to the product of the number of years of service being claimed
18 and three percent of such member's compensation earned during the twelve
19 months of credited service immediately preceding the date that the
20 member made application for credit pursuant to this section.

21 e. Notwithstanding any other provision of law to the contrary, upon
22 completion of twenty years of service, and upon retirement, each such

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

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1 member who was previously credited with service credit in the New York
2 state and local employees' retirement system or the New York state and
3 local police and fire retirement system as an officer or member of the
4 regional state park police department may receive for each such year of
5 previous service, up to a total of no greater than five years of previ-
6 ous service, additional pension equal to one-sixtieth of his or her
7 final average salary.

8 To obtain such credit a member shall pay such retirement system, for
9 deposit in the fund used to accumulate employer contributions, a sum
10 equal to the product of the number of years of service being claimed
11 and three percent of such member's compensation earned during the twelve
12 months of credited service immediately preceding the date that the
13 member made application for credit pursuant to this section.

14 f. Notwithstanding any other provision of law to the contrary, upon
15 completion of twenty years of service, and upon retirement, each such
16 member who was previously credited with service credit in the New York
17 state and local employees' retirement system as a special investigator
18 employed in the office of the attorney general may receive for each
19 such year of previous service, up to a total of no greater than five
20 years of previous service, additional pension equal to one-sixtieth of
21 his or her final average salary.

22 To obtain such credit a member shall pay such retirement system, for
23 deposit in the fund used to accumulate employer contributions, a sum
24 equal to the product of the number of years of service being claimed
25 and three percent of such member's compensation earned during the twelve
26 months of credited service immediately preceding the date that the
27 member made application for credit pursuant to this section.

28 § 2. This act shall take effect immediately.

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

This bill would allow up to five years of previous service rendered as a police officer with either the State University of New York or Regional State Park Police Department or as a special investigator in the Office of the New York State Attorney General to become creditable under section 384-e of the Retirement and Social Security Law. Upon completion of twenty years of service and upon retirement, an affected member would receive an additional pension of one-sixtieth of their final average salary for each such additional year credited. Affected members would be required to contribute an amount equal to three percent of their prior twelve months of compensation for each year of service credit claimed.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be a past service cost averaging 13.7% of an affected member's compensation for each year of additional service credit granted. All costs would be shared by the State of New York and the local participating employers in the New York State and Local Police and Fire Retirement System.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assump-

tions, 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, 2022 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 May 16, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-157, prepared by the Actuary for the New York State and Local Retirement System.