STATE OF NEW YORK

2791--A

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to granting retroactive membership with Tier IV status in the New York state and local employees' retirement system to Ronald Bower

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

Section 1. Notwithstanding any other provision of the law to the contrary, Ronald Bower, an employee of the Genesee County Highway Department and a member of the New York state and local employees' retirement system, who was employed in the Occupational Skills Program at Erie 1 BOCES beginning November 12, 1986 through July 6, 1988, who for reasons not ascribable to his own negligence, failed to become a member of such retirement system when first employed by Erie 1 BOCES beginning in 1986, shall be deemed to have been a member of the New York state and local employees' retirement system on such date that he commenced his employment with Erie 1 BOCES on November 12, 1986, and shall be granted Tier IV status in such retirement system, 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, Ronald Bower shall not be granted a refund of any employee contribution made by him to the New York state and local employees' retirement system.

§ 2. No contributions made to the New York state and local employees' retirement system by Ronald Bower shall be returned or refunded to him pursuant to this act.

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

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§ 3. All past service costs associated with the implementation of this act shall be borne by Erie 1 BOCES.

§ 4. This act shall take effect immediately.

Fiscal Note.--Pursuant to Legislative Law, Section 50:

This bill would provide Ronald Bower with a date of membership of November 12, 1986, their date of first employment with the Erie 1 BOCES, resulting in Tier 4 status in the New York State and Local Employees' Retirement System. Ronald Bower is currently a Tier 6 member. 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 $3,900 in the annual contributions of Genesee County for the fiscal year ending March 31, 2025. In future years this cost will vary as the billing rates and salary of Ronald Bower change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $9,150 which will be borne by the Erie 1 BOCES 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 15, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-53, prepared by the Actuary for the New York State and Local Retirement System.