STATE OF NEW YORK

5605

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize the city of Binghamton to offer an optional twenty-five year retirement plan to firefighter Scott Pavlick

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

Section 1. Notwithstanding any other provision of law to the contrary, the city of Binghamton, in the county of Broome, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty-five year retirement plan, established pursuant to section 384 of the retirement and social security law, to firefighters employed by such city, is hereby authorized to make participation in such plan available to Scott Pavlick, a firefighter employed by the city of Binghamton, who, for reasons not ascribable to his own negligence, failed to make a timely application to participate in such optional twenty-five year retirement plan. The city of Binghamton may so elect by filing with the state comptroller, within nine months of the effective date of this act, a resolution of its own common council together with certification that such firefighter did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such firefighter may elect to be covered by the provisions of section 384 of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller within one year of the effective date of this act.

§ 2. All employer past service costs associated with implementing the provisions of this act shall be borne by the city of Binghamton and may be amortized over a ten year period.

§ 3. This act shall take effect immediately.

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

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

LBD08984-02-3

This bill would allow the City of Binghamton to elect to reopen the provisions of section 384 of the Retirement and Social Security Law for firefighter Scott Pavlick.

If this bill is enacted during the 2023 legislative session and Scott Pavlick becomes covered under the provisions of section 384, we anticipate that there will be an increase of approximately $5,300 in the annual contributions of the City of Binghamton for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of Scott Pavlick change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $42,500 which will be borne by the City of Binghamton as a one-time payment. This estimate assumes that payment will be made on February 1, 2024. If the City of Binghamton elects to amortize this cost over a 10-year period, the cost for the first year including interest would be $5,420.

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 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, 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 March 3, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-83, prepared by the Actuary for the New York State and Local Retirement System.