

STATE OF NEW YORK

6361--A

Cal. No. 377

2023-2024 Regular Sessions

IN SENATE

April 18, 2023

Introduced by Sen. BROUK -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law and the retirement and social security law, in relation to changes of membership eligibility in a New York state retirement system

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

1 Section 1. The education law is amended by adding a new section 540 to
2 read as follows:

3 § 540. Written acknowledgement of change of membership eligibility. A
4 member intending to initiate or undergo a change of title or employment
5 responsibilities while remaining in the employ of such member's current
6 employer which shall affect such member's eligibility for membership or
7 ability to accrue service credit in the retirement system defined in
8 subdivision one of section five hundred one of this article, and such
9 member's employer shall both execute a written statement provided by the
10 retirement board that such member and such employer acknowledge and
11 understand that such member, on a specific date, will no longer be a
12 member of such retirement system or will no longer be eligible to accrue
13 service credit in such member's retirement plan. Such employer shall,
14 within thirty days after signature by both parties, file such written
15 statement with the retirement board in order to effectuate such change
16 of membership.

17 § 2. The retirement and social security law is amended by adding a new
18 section 113-b to read as follows:

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

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1 § 113-b. Written acknowledgement of change of membership eligibility.
2 A member intending to initiate or undergo a change of title or employ-
3 ment responsibilities while remaining in the employ of such member's
4 current employer which shall affect such member's eligibility for
5 membership or ability to accrue service credit in the retirement system
6 defined in subdivision twenty-eight of section two of this article, and
7 such member's employer shall both execute a written statement provided
8 by the office of the comptroller that such member and such employer
9 acknowledge and understand that such member, on a specific date, will no
10 longer be a member of such retirement system or will no longer be eligi-
11 ble to accrue service credit in such member's retirement plan. Such
12 employer shall, within thirty days after signature by both parties, file
13 such written statement with the office of the comptroller in order to
14 effectuate such change of membership.

15 § 3. The retirement and social security law is amended by adding a new
16 section 411-a to read as follows:

17 § 411-a. Written acknowledgement of change of membership eligibility.
18 A member intending to initiate or undergo a change of title or employ-
19 ment responsibilities while remaining in the employ of such member's
20 current employer which shall affect such member's eligibility for
21 membership or ability to accrue service credit in the retirement system
22 defined in subdivision twenty-eight of section three hundred two of this
23 article, and such member's employer shall both execute a written state-
24 ment provided by the office of the comptroller that such member and
25 such employer acknowledge and understand that such member, on a specific
26 date, will no longer be a member of such retirement system or will no
27 longer be eligible to accrue service credit in such member's retirement
28 plan. Such employer shall, within thirty days after signature by both
29 parties, file such written statement with the office of the comptroller
30 in order to effectuate such change of membership.

31 § 4. This act shall take effect on the sixtieth day after it shall
32 have become a law. Effective immediately, the addition, amendment
33 and/or repeal of any rule or regulation necessary for the implementation
34 of this act on its effective date are authorized to be made and
35 completed on or before such effective date.