STATE OF NEW YORK

6912--A

2023-2024 Regular Sessions

IN SENATE

May 15, 2023

Introduced by Sen. WEIK -- 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 authorizing Michael J. Cappiello to purchase service credit for service with the Long Island Railroad Company police department

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, Michael J. Cappiello, a former member of the Long Island Railroad Company police department, shall be eligible to apply to purchase up to three years of service credit for such employment with the New York state and local police and fire retirement system if, within one year of the effective date of this act, he shall (1) file a written request to that effect with such retirement system; and (2) shall pay to the New York state and local police and fire retirement system a sum equal to the product of the number of years of service being claimed and three percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section.

§ 2. All past service costs attributable to the implementation of this act shall be borne by the state of New York.

§ 3. This act shall take effect immediately.

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

This bill would allow Michael J. Cappiello, a current member of the New York State and Local Police and Fire Retirement System (NYSLPFRS) employed by the County of Suffolk, the ability to purchase up to three years of service credit for employment as a police officer with the Long Island Railroad Company. Under current law, service with the Long Island

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

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Railroad Company must be credited in the Metropolitan Transportation Authority police retirement program before it can be transferred to the NYSLPFRS. Michael J. Cappiello never became a member of the Metropolitan Transportation Authority police retirement program and therefore has no service credit to transfer.

If this bill is enacted during the 2024 Legislative Session, there will be an immediate past service cost of approximately $172,000. Of this amount, approximately $14,000 will be borne by the member to purchase the additional service. The remaining $158,000 will be borne by the State of New York as a one-time payment, based on the assumption that payment will be made on March 1, 2025.

This bill will not increase the future annual contributions of the County of Suffolk.

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 March 4, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-77, prepared by the Actuary for the New York State and Local Retirement System.