

STATE OF NEW YORK

5675

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

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

AN ACT granting retroactive tier IV status in the New York state and local employees' retirement system to Dana Kerstanski

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 Dana Kerstanski, who was employed as a substitute custodian with the
3 Warwick Valley school district with a start date of May 10, 2006, and
4 who is currently a member of the New York state and local employees'
5 retirement system, who through no fault of his own did not become a
6 member of the New York state and local employees' retirement system on
7 May 10, 2006 when first employed by the Warwick Valley school district
8 shall be deemed to have been a member of the New York state and local
9 employees' retirement system on such date he commenced his employment
10 and shall be granted Tier IV status, provided that an application is
11 filed with the head of the New York state and local employees' retire-
12 ment system within one year from the effective date of this act. Upon
13 the granting of such retroactive membership, Dana Kerstanski shall not
14 be granted a refund of any employee contributed made by him to the New
15 York state and local employees' retirement system.

16 § 2. All past services costs associated with the implementation of
17 this act shall be borne by the Warwick Valley school district.

18 § 3. This act shall take effect immediately.

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

This bill would grant Tier 4 status in the New York State and Local Employees' Retirement System to Dana Kerstanski, a current Tier 6 member employed by the Monroe Woodbury Central School District, by changing their date of membership to May 10, 2006. There will be no refund of member contributions.

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

LBD09316-02-3

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately \$3,700 in the annual contributions of the Monroe Woodbury Central School District for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of Dana Kerstanski change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$50,300 which will be borne by the Warwick Valley Central School District as a one-time payment. This estimate assumes that payment will be made on February 1, 2024.

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 February 28, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-82, prepared by the Actuary for the New York State and Local Retirement System.