STATE OF NEW YORK

6908--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

Introduced by M. of A. J. A. GIGLIO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Suffolk and the village of Nissequogue to offer an optional twenty-year retirement plan to police officer Bridget Topping

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 county of Suffolk and the village of Nissequogue, in the county of Suffolk, participating employers in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty-year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such county and village, are hereby authorized to make participation in such plan available to Bridget Topping, a police officer employed full-time by the county of Suffolk and part-time by the village of Nissequogue, who, for reasons not ascribable to her own negligence, failed to make a timely application to participate in such optional twenty-year retirement plan. The county of Suffolk and the village of Nissequogue may so elect by separately filing with the state comptroller, within nine months of the effective date of this act, resolutions of its own county legislature and the village board of trustees together with certification that such police officer did not bar herself from participation in such retirement plan as a result of her own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law and shall be entitled to the full rights and benefits associated with coverage under such section as well as section 384-e of such law,

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

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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 county of Suffolk and may be amortized over a ten-year period.

§ 3. This act shall take effect immediately.

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

This bill would allow the County of Suffolk and the Village of Nissequogue to reopen the provisions of section 384-d, together with 384-e, of the Retirement and Social Security Law for police officer Bridget Topping.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately $14,000 in the annual contributions of the County of Suffolk and $2,000 in the annual contributions of the Village of Nissequogue for the fiscal year ending March 31, 2025. In future years, this cost will vary as the billing rates and salary of Bridget Topping change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $540,000 which will be borne by the County of Suffolk as a one-time payment. This estimate assumes that payment will be made on February 1, 2025. If the County of Suffolk elects to amortize this cost over a 10-year period, the cost for each year including interest would be $69,000.

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 3, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-22, prepared by the Actuary for the New York State and Local Retirement System.