STATE OF NEW YORK

7468--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 24, 2023

Introduced by M. of A. JONES -- 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 amend the retirement and social security law, in relation to granting members or officers of the state police credit for service as a deputy sheriff, county corrections officer, or state corrections officer

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

Section 1. Subdivision c of section 381-b of the retirement and social security law is amended by adding a new paragraph 3 to read as follows:

(3) (i) Deputy sheriff, county corrections, or state corrections service. Upon completion of more than seventeen years of service, each such member who was previously credited with service credit in the New York state and local employees' retirement system as a deputy sheriff, county corrections officer, or member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision as defined in subdivision i of section eighty-nine of this chapter and who was engaged directly in law enforcement activities while performing such services shall receive three months of service credit for each such five months of previous service, up to a total of no greater than two years of previous service credit.

(ii) To obtain such credit, a member shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of police 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. If permitted by rule or regulation of the retirement system, the member may

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

LBD04956-07-4

pay such member costs by payroll deduction for a period which shall not exceed the time period of police service to be credited pursuant to this section. In the event the member leaves the employer payroll prior to completion of payment, such member shall forward all remaining required payments to the appropriate retirement system prior to the effective date of retirement. If the full amount of such member costs is not paid to the appropriate retirement system prior to the member's retirement, the amount of service credited shall be proportional to the total amount of the payments made prior to retirement.

(iii) To be eligible to receive credit for police service under this paragraph, a member must make application for such credit before the effective date of retirement.

(iv) No member shall be eligible to receive credit for police services under this paragraph who received credit under section one thousand of this chapter.

(v) Notwithstanding any other provision of law, in the event of death prior to retirement, amounts paid by the member for the purchase of police service credit pursuant to this paragraph shall be refunded, with interest, to the extent the police service purchased with such amounts does not produce a greater death benefit than would have been payable had the member not purchased such credit.

(vi) Notwithstanding any other provision of law, in the event of retirement, amounts paid by the member for the purchase of police service credit pursuant to this section shall be refunded, with interest, to the extent the police service purchased with such amounts does not produce a greater retirement allowance than would have been payable had the member not purchased such credit.

(vii) In the event the service credit granted pursuant to this paragraph, when added to a member's current service credit, renders such member eligible for service retirement, such member shall be deemed eligible for such service retirement and may elect to retire under the rules set forth by the retirement system.

§ 2. All costs for service credited to a member pursuant to paragraph 3 of subdivision c of section 381-b of the retirement and social security law, as added by section one of this act, other than the member costs set forth in subparagraph (ii) of such paragraph, shall be paid 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 New York State Police covered under Section 381-b of the Retirement and Social Security Law (RSSL) to receive service credit for time rendered as a deputy sheriff, county corrections officer, or member in the uniformed personnel in institutions under the jurisdiction of the Department of Corrections and Community Supervision and who were engaged directly in law enforcement activities. Currently, such service is not creditable in any service-based retirement plan in the New York State and Local Police and Fire Retirement System. A member may obtain three months of §381-b service credit for every five months such NYSLERS service credit, not to exceed two years of additional service credit. Members must have at least seventeen years of credited service under §381-b (not including the NYSLERS service) and would be required to make a payment of three percent of their most recent compensation per year of additional service credit granted by this bill.

If this bill is enacted during the 2024 Legislative Session, it is estimated that the past service cost will average approximately 27% of an affected member's most recent 12 months of compensation for each year of additional service that is credited, which will be billed to the State of New York annually based on those benefiting from this provision.

Further, we anticipate additional administrative costs to implement the provisions of this legislation.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

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 May 24, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-181, prepared by the Actuary for the New York State and Local Retirement System.