

STATE OF NEW YORK

2975

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to service credit for unpaid maternity leave for a Westchester county correction officer or deputy commissioner

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

1 Section 1. Section 89-e of the retirement and social security law is
2 amended by adding a new subdivision k to read as follows:

3 k. Notwithstanding any other provision of law to the contrary, an
4 active member whose tenure with Westchester county as a correction offi-
5 cer or deputy commissioner who has elected to participate in the plan
6 established pursuant to this section includes one or more unpaid mater-
7 nity or bonding leaves of absence for which such member did not receive
8 service credit, shall be eligible to purchase service credit for all
9 such leaves of absence up to a maximum of three years at a rate based
10 upon such member's salary immediately before such member commenced such
11 leave of absence, provided that (1) at the time of any such leave of
12 absence, such member was subject to the provisions of this section, (2)
13 such member elects to purchase service credit for such leaves of absence
14 by executing a periodic payroll deduction agreement, (3) such member has
15 at least five years of creditable service at the time that such member
16 executes such periodic payroll deduction agreement, and (4) such member
17 agrees to pay both the employer's share and the employee's share of the
18 cost for the period or periods of time being purchased. Such agreement
19 shall, for each leave of absence being purchased pursuant to this subdi-
20 vision, set forth the total cost of such credit, the employer's share of
21 such cost that will be paid by the member, and the number of payroll
22 periods in which such periodic payments shall be made. Such agreement
23 shall be irrevocable, shall not be subject to amendment or modification
24 in any manner, and shall expire only upon completion of payroll

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

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1 deductions specified therein. Notwithstanding the foregoing, any member
2 who has entered into such a payroll deduction agreement and who termi-
3 nates employment prior to completion of the payments required therein
4 shall be credited with any service as to which such member shall have
5 paid the contributions required under the terms of such agreement. Any
6 service credited to a member pursuant to this subdivision shall be
7 deemed to be creditable service and shall be included in computing years
8 of total service for retirement pursuant to this section.

9 § 2. This act shall take effect immediately.