STATE OF NEW YORK

4715--A

2023-2024 Regular Sessions

IN SENATE

February 13, 2023

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the village of Dobbs Ferry to offer an optional twenty-year retirement plan to a certain police officer formerly employed by such village

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, Gabriel Bonilla, a member of the New York state and local police and fire retirement system, who is currently employed by Westchester county, who was employed as a police officer with the village of Dobbs Ferry from December of 2005 through March 20, 2011, and who, through no fault of his own, failed to file a timely application to participate in the special twenty-year retirement plan contained in section 384-d of the retirement and social security law, shall be given full credit in the special twenty-year retirement plan contained in section 384-d of the retirement and social security law for such service upon the election of Dobbs Ferry to assume the additional cost of such service. The village of Dobbs Ferry may so elect by filing with the state comptroller, no later than one year from the effective date of this act, a resolution of its local legislative body together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his 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, by filing a request to that effect with the state comptroller no later than one year from the effective date of this act.

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

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§ 2. All costs associated with implementing the provisions of this act shall be borne by the village of Dobbs Ferry.

§ 3. This act shall take effect immediately.

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

This bill would grant Gabriel Bonilla, a Tier 2 member of the New York State and Local Police and Fire Retirement System, additional service creditable under the provisions of section 384-d of the Retirement and Social Security Law (RSSL) for time worked as a police officer of the Village of Dobbs Ferry. Such service is currently creditable in the age 55 retirement plan of section 375-i of the RSSL but not in the 20-year plan of section 384-d. Gabriel Bonilla is currently employed by the County of Westchester.

If this bill is enacted during the 2023 legislative session, there will be an immediate past service cost of approximately $114,000 which will be borne by the Village of Dobbs Ferry as a one-time payment. This estimate assumes that payment will be made on February 1, 2024.

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

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 March 3, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-84, prepared by the Actuary for the New York State and Local Retirement System.