STATE OF NEW YORK

6361--A

Cal. No. 377

2023-2024 Regular Sessions

IN SENATE

April 18, 2023

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law and the retirement and social security law, in relation to changes of membership eligibility in a New York state retirement system

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

Section 1. The education law is amended by adding a new section 540 to read as follows:

§ 540. Written acknowledgement of change of membership eligibility. A member intending to initiate or undergo a change of title or employment responsibilities while remaining in the employ of such member's current employer which shall affect such member's eligibility for membership or ability to accrue service credit in the retirement system defined in subdivision one of section five hundred one of this article, and such member's employer shall both execute a written statement provided by the retirement board that such member and such employer acknowledge and understand that such member, on a specific date, will no longer be a member of such retirement system or will no longer be eligible to accrue service credit in such member's retirement plan. Such employer shall, within thirty days after signature by both parties, file such written statement with the retirement board in order to effectuate such change of membership.

§ 2. The retirement and social security law is amended by adding a new section 113-b to read as follows:

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

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§ 113-b. Written acknowledgement of change of membership eligibility. A member intending to initiate or undergo a change of title or employment responsibilities while remaining in the employ of such member's current employer which shall affect such member's eligibility for membership or ability to accrue service credit in the retirement system defined in subdivision twenty-eight of section two of this article, and such member's employer shall both execute a written statement provided by the office of the comptroller that such member and such employer acknowledge and understand that such member, on a specific date, will no longer be a member of such retirement system or will no longer be eligible to accrue service credit in such member's retirement plan. Such employer shall, within thirty days after signature by both parties, file such written statement with the office of the comptroller in order to effectuate such change of membership.

§ 3. The retirement and social security law is amended by adding a new section 411-a to read as follows:

§ 411-a. Written acknowledgement of change of membership eligibility. A member intending to initiate or undergo a change of title or employment responsibilities while remaining in the employ of such member's current employer which shall affect such member's eligibility for membership or ability to accrue service credit in the retirement system defined in subdivision twenty-eight of section three hundred two of this article, and such member's employer shall both execute a written statement provided by the office of the comptroller that such member and such employer acknowledge and understand that such member, on a specific date, will no longer be a member of such retirement system or will no longer be eligible to accrue service credit in such member's retirement plan. Such employer shall, within thirty days after signature by both parties, file such written statement with the office of the comptroller in order to effectuate such change of membership.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.