STATE OF NEW YORK

7062

2023-2024 Regular Sessions

IN SENATE

May 17, 2023

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

AN ACT granting retroactive membership with Tier IV status in the New York state and local employees' retirement system to Christine Fernandez

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

Section 1. Notwithstanding any other law to the contrary, Christine Fernandez, formerly Christine Lennard, a member of the New York state and local employees' retirement system, who was employed part-time with the Voorheesville public library beginning in September, 1984 through August, 1985 and who is currently employed with the New York State Police, who through no fault of her own was not given the option to become a member of the New York state and local employees' retirement system in 1984 when first employed by the Voorheesville public library, and did not file a membership application in such system until April 2, 2020 when she began her employment with the New York State Police, which gave her Tier VI status instead of Tier IV status, shall be deemed to have been a member of the New York state and local employees' retirement system on such date she commenced her employment with the Voorheesville public library in September, 1984, and shall be granted Tier IV status, provided that an application is filed with the head of the New York state and local employees' retirement system within one year from the effective date of this act. Upon the granting of such retroactive membership, Christine Fernandez shall not be granted a refund of any employee contribution made by her to the New York state and local employees' retirement system.

§ 2. All past service costs associated with the implementation of this act shall be borne by the Voorheesville public library.

§ 3. This act shall take effect immediately.

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

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

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This bill would grant Tier 4 status in the New York State and Local Employees' Retirement System to Christine Fernandez, a current Tier 6 member employed by the Division of State Police, by changing their date of membership to September 1, 1984. There will be no refund of member contributions.

If this bill is enacted during the 2023 legislative session, we anticipate that there will be an increase of approximately $8,800 in the annual contributions of the State of New York for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of Christine Fernandez change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $21,800 which will be borne by the Voorheesville Public Library as a one-time payment. This estimate assumes that payment will be made on February 1, 2024.

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 April 17, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-139, prepared by the Actuary for the New York State and Local Retirement System.