STATE OF NEW YORK

8126

IN SENATE

January 8, 2024

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

AN ACT in relation to authorizing Lt. Thomas Cleere to receive certain service credit under a twenty year retirement plan

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, Lieutenant Thomas Cleere, a member of the New York state and local police and fire retirement system, who was appointed as a police officer with the Seneca Falls Police Department, in the town of Seneca Falls, county of Seneca, on February 4, 2014, and who, through no fault of his own, was enrolled to participate in the retirement plan contained in section 375-i 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 the town of Seneca Falls to assume the additional cost of such service. The town of Seneca Falls may so elect by filing with the state comptroller within 180 days of the effective date of this act, a resolution of its 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 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 such effect with the state comptroller within one year of the effective date of this act.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the town of Seneca Falls, in the county of Seneca, and may be amortized over a ten year period.

§ 3. This act shall take effect immediately.

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

This bill would allow the Town of Seneca Falls to reopen the provisions of section 384-d of the Retirement and Social Security Law for police officer Thomas Cleere.

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

LBD13373-03-4

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately $10,000 in the annual contributions of the Town of Seneca Falls for the fiscal year ending March 31, 2025. In future years, this cost will vary as the billing rates and salary of Thomas Cleere change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately $149,000 which will be borne by the Town of Seneca Falls as a one-time payment. This estimate assumes that payment will be made on February 1, 2025. If the Town of Seneca Falls elects to amortize this cost over a 10-year period, the cost for each year including interest would be $19,100.

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 January 3, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-8, prepared by the Actuary for the New York State and Local Retirement System.