STATE OF NEW YORK

8170--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. GIGLIO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT granting retroactive membership in the New York state and local employees' retirement system to Michael Posillico

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, Michael Posillico, a member of the New York State and Local Police and Fire Retirement System, who was employed as a park attendant/dockworker by the town of Brookhaven as of May 6, 2002, who for reasons not ascribable to his own negligence, failed to become a member of the New York state and local employees' retirement system during such employment in the town of Brookhaven, shall be deemed to have joined the New York state and local employees' retirement system on May 6, 2002, and shall be granted Tier IV status in such retirement system, if, within one year of the effective date of this act, he shall file a written request with the state comptroller.

§ 2. All past service costs of implementing the provisions of this act shall be borne by the state of New York.

§ 3. This act shall take effect immediately.

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

This bill would provide Michael Posillico with a date of membership of May 6, 2002, resulting in Tier 2 status in the New York State and Local Police and Fire Retirement System. Michael Posillico is currently a Tier 5 member employed by Suffolk county.

Member contributions will be refunded.

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

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We estimate that Suffolk County's annual contributions will increase $10,000 beginning FYE 2027. Annual costs will vary as the billing rates and salary of Michael Posillico change.

In addition, there will be an immediate past service cost of $64,100 borne by the state of New York as a one-time payment. This cost assumes that payment will be made on March 1, 2027.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

This fiscal note does not constitute a legal opinion on the viability of the bill, nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 6, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-101. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member. I am a member of NYSLRS but do not believe it impairs my objectivity.