

# STATE OF NEW YORK

1011

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

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

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:

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

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

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

19 § 113-b. Written acknowledgement of change of membership eligibility.  
20 A member intending to initiate or undergo a change of title or employ-  
21 ment responsibilities while remaining in the employ of such member's  
22 current employer which shall affect such member's eligibility for  
23 membership or ability to accrue service credit in the retirement system

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

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1 defined in subdivision twenty-eight of section two of this article, and  
2 such member's employer shall both execute a written statement provided  
3 by the office of the comptroller that such member and such employer  
4 acknowledge and understand that such member, on a specific date, will no  
5 longer be a member of such retirement system or will no longer be eligi-  
6 ble to accrue service credit in such member's retirement plan. Such  
7 employer shall, within thirty days after signature by both parties, file  
8 such written statement with the office of the comptroller in order to  
9 effectuate such change of membership.

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

12 § 411-a. Written acknowledgement of change of membership eligibility.  
13 A member intending to initiate or undergo a change of title or employ-  
14 ment responsibilities while remaining in the employ of such member's  
15 current employer which shall affect such member's eligibility for  
16 membership or ability to accrue service credit in the retirement system  
17 defined in subdivision twenty-eight of section three hundred two of this  
18 article, and such member's employer shall both execute a written state-  
19 ment provided by the office of the comptroller that such member and  
20 such employer acknowledge and understand that such member, on a specific  
21 date, will no longer be a member of such retirement system or will no  
22 longer be eligible to accrue service credit in such member's retirement  
23 plan. Such employer shall, within thirty days after signature by both  
24 parties, file such written statement with the office of the comptroller  
25 in order to effectuate such change of membership.

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