STATE OF NEW YORK

8321

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. BURKE -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize James Unger to receive certain credit under section 384-d of the retirement and social security law

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, James Unger, currently a town of West Seneca police officer and member of the New York state and local police and fire retirement system covered by section 384-d of the retirement and social security law, who between January 21, 2003 and September 6, 2006 was employed by the Erie county sheriff's department where he was a member of the New York state and local employees' retirement system, and who, for reasons not ascribable to his own negligence, was not granted service credit under section 384-d of the retirement and social security law for his period of employment with the Erie county sheriff's department, shall be granted such service credit under 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, provided a request to that effect is filed with the state comptroller within one year from the effective date of this act. Prior to James Unger submitting such request, he must first file an application for tier reinstatement with the New York state and local police and fire retirement system, as he has previously withdrawn his membership with the New York state and local employees' retirement system. Once any costs associated with James Unger's tier reinstatement to his prior membership are paid in full by him, he may be granted the service credit and such service credit will be creditable service under section 384-d of the retirement and social security law for James Unger.

§ 2. All past service costs incurred in implementing the provisions of this act shall be borne by the town of West Seneca.

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

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§ 3. This act shall take effect immediately.

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

This bill would grant service credit under section 384-d, together with section 384-e, of the Retirement and Social Security Law to James Unger, a Tier 2 member of the New York State and Local Police and Fire Retirement System (NYSLPFRS) employed by the Town of West Seneca, for the period January 21, 2003 through September 6, 2006, during which time they were employed as a deputy sheriff in Erie County. Currently, deputy sheriff service is not creditable in a NYSLPFRS twenty-year retirement plan.

This bill will not increase the future annual contributions of the Town of West Seneca.

In addition to the annual contributions discussed above, if this bill is enacted during the 2025 Legislative Session, there will be an immediate past service cost of approximately $176,000 which will be borne by the Town of West Seneca as a one-time payment. This estimate assumes that payment will be made on February 1, 2026.

James Unger must complete and file an application for tier reinstatement with NYSLPFRS for service credit to be granted.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 March 24, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-117. As Chief Actuary of the New York State and Local Retirement System, 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.