

8225

IN SENATE

June 16, 2010

Introduced by Sens. ONORATO, SAVINO -- read twice and ordered printed,
and when printed to be committed to the Committee on Rules

AN ACT to amend the retirement and social security law, in relation to
alternative retirement benefits for certain members employed by the
power authority of the state of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The retirement and social security law is amended by adding
2 a new section 89-x to read as follows:
3 S 89-X. ALTERNATIVE RETIREMENT BENEFITS FOR QUALIFYING MEMBERS
4 EMPLOYED BY THE POWER AUTHORITY OF THE STATE OF NEW YORK AT THE CHARLES
5 POLETTI 825 MEGAWATT POWERHOUSE. A. DEFINITIONS. FOR PURPOSES OF THIS
6 SECTION:
7 1. "CHARLES POLETTI 825 MW POWERHOUSE" SHALL MEAN THE POWER AUTHORI-
8 TY'S OPERATIONS AT THE EIGHT HUNDRED TWENTY-FIVE (NOMINAL) MEGAWATT OIL
9 AND GAS FIRED ELECTRIC GENERATOR POWERHOUSE LOCATED IN THE BOROUGH OF
10 QUEENS, CITY OF NEW YORK WHICH CEASED OPERATION PURSUANT TO AN OPINION
11 AND ORDER OF THE NEW YORK STATE BOARD ON ELECTRIC GENERATION SITING AND
12 THE ENVIRONMENT (CASE 99-F-1627) ISSUED THE SECOND DAY OF OCTOBER, TWO
13 THOUSAND TWO. "CHARLES POLETTI 825 MW POWERHOUSE" SHALL NOT INCLUDE ANY
14 ADMINISTRATION BUILDING, WAREHOUSE, 500 MW COMBINED CYCLE PLANT OR ANY
15 OTHER BUILDING OR STRUCTURE ON THE POLETTI SITE.
16 2. "OPEN PERIOD" SHALL MEAN THE PERIOD BEGINNING ON THE FIRST DAY OF
17 AUGUST, TWO THOUSAND TEN AND ENDING ON THE FIFTEENTH DAY OF NOVEMBER,
18 TWO THOUSAND TEN.
19 3. "POWER AUTHORITY" SHALL MEAN THE POWER AUTHORITY OF THE STATE OF
20 NEW YORK CREATED PURSUANT TO TITLE ONE OF ARTICLE FIVE OF THE PUBLIC
21 AUTHORITIES LAW.
22 4. "CREDITABLE SERVICE" SHALL INCLUDE ANY AND ALL SERVICES PERFORMED
23 BY A QUALIFYING MEMBER WHILE A MEMBER OF A PUBLIC RETIREMENT SYSTEM IN
24 THE STATE OF NEW YORK.
25 5. "QUALIFYING MEMBER" SHALL MEAN ANY MEMBER WHO:
26 (I) HAS BEEN REPRESENTED BY UWUA, LOCAL 1-2, AN EMPLOYEE ORGANIZATION
27 AS DEFINED BY SUBDIVISION FIVE OF SECTION TWO HUNDRED ONE OF THE CIVIL

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

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S. 8225

2

- 1 SERVICE LAW THAT WAS A PARTY TO A COLLECTIVE BARGAINING AGREEMENT WITH
2 THE POWER AUTHORITY;
3 (II) AS OF THE FIRST DAY OF AUGUST, TWO THOUSAND TEN WAS NOT A PROVI-
4 SIONAL EMPLOYEE AND WAS EMPLOYED BY THE POWER AUTHORITY TO PERFORM JOB
5 DUTIES AT THE CHARLES POLETTI 825 MW POWERHOUSE IN ONE OF THE FOLLOWING

6 JOB TITLES UNDER SUCH COLLECTIVE BARGAINING AGREEMENT: OPERATING
7 MECHANIC A, CONTROL OPERATOR B, MECHANIC A, CONTROL OPERATION A, RECORDS
8 AND DOCUMENT CLERK, OR SENIOR ELECTRICAL TECHNICIAN (NOT ASSIGNED TO
9 METERING ENGINEERING); AND

10 (III) ON OR BEFORE THE FIFTEENTH DAY OF NOVEMBER, TWO THOUSAND TEN
11 REACHED FIFTY YEARS OF AGE.

12 B. ELIGIBILITY. 1. ANY QUALIFYING MEMBER SHALL BE ELIGIBLE TO RETIRE
13 PURSUANT TO THE PROVISIONS OF THIS SECTION. SUCH ELIGIBILITY SHALL BE AN
14 ALTERNATIVE TO THE ELIGIBILITY PROVISIONS AVAILABLE UNDER ANY OTHER PLAN
15 OF THIS ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.

16 2. ANY SUCH QUALIFYING MEMBER SHALL BE ELIGIBLE TO RETIRE PURSUANT TO
17 THIS SECTION WITHOUT REDUCTION OF HIS OR HER RETIREMENT BENEFIT AFTER
18 THE COMPLETION OF TWENTY-FIVE YEARS OF CREDITABLE SERVICE BY FILING AN
19 APPLICATION THEREFOR WITH THE COMPTROLLER DURING THE OPEN PERIOD NOT
20 LESS THAN THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF RETIREMENT IN A
21 MANNER SIMILAR TO THAT PROVIDED IN SECTION SEVENTY OF THIS ARTICLE.

22 3. NO QUALIFYING MEMBER SHALL BE REASSIGNED FROM THE CHARLES POLETTI
23 825 MW POWERHOUSE TO ANY OTHER LOCATION AT POLETTI AFTER MARCH FIRST,
24 TWO THOUSAND TEN UNLESS AWARDED A POSITION IN CONNECTION WITH THE
25 BIDDING PROCESS UNDER THE COLLECTIVE BARGAINING AGREEMENT.

26 C. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT A MEMBER, WHO
27 DOES NOT RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION, FROM UTILIZ-
28 ING SERVICE WHICH IS CREDITABLE SERVICE PURSUANT TO THE PROVISIONS OF
29 THIS SECTION FOR SERVICE CREDIT FOR ANY OTHER PLAN OF THIS ARTICLE TO
30 WHICH SUCH MEMBER IS SUBJECT.

31 S 2. Subdivision a of section 445 of the retirement and social securi-
32 ty law, as amended by chapter 295 of the laws of 2007, is amended to
33 read as follows:

34 a. No member of a retirement system who is subject to the provisions
35 of this article shall retire without regard to age, exclusive of retire-
36 ment for disability, unless he is a policeman, an investigator member of
37 the New York city employees' retirement system, fireman, correction
38 officer, a qualifying member as defined in section eighty-nine-t, as
39 added by chapter six hundred fifty-seven of the laws of nineteen hundred
40 ninety-eight, of this chapter, sanitation man, a special officer
41 (including persons employed by the city of New York in the title urban
42 park ranger or associate urban park ranger), school safety agent, campus
43 peace officer or a taxi and limousine commission inspector member of the
44 New York city employees' retirement system or the New York city board of
45 education retirement system, a dispatcher member of the New York city
46 employees' retirement system, a police communications member of the New
47 York city employees' retirement system, an EMT member of the New York
48 city employees' retirement system, a deputy sheriff member of the New
49 York city employees' retirement system, a correction officer of the
50 Westchester county correction department as defined in section eighty-
51 nine-e of this chapter or employed in Suffolk county as a peace officer,
52 as defined in section eighty-nine-s, as added by chapter five hundred
53 eighty-eight of the laws of nineteen hundred ninety-seven, of this chap-
54 ter, employed in Suffolk county as a correction officer, as defined in
55 section eighty-nine-f of this chapter, or employed in Nassau county as a
56 correction officer, uniformed correction division personnel, sheriff,
S. 8225

1 undersheriff or deputy sheriff, as defined in section eighty-nine-g of
2 this chapter, or employed in Nassau county as an ambulance medical tech-
3 nician, an ambulance medical technician/supervisor or a member who
4 performs ambulance medical technician related services, as defined in
5 section eighty-nine-s, as amended by chapter five hundred seventy-eight

6 of the laws of nineteen hundred ninety-eight, of this chapter, or
7 employed in Nassau county as a peace officer, as defined in section
8 eighty-nine-s, as added by chapter five hundred ninety-five of the laws
9 of nineteen hundred ninety-seven, of this chapter, or employed in Albany
10 county as a sheriff, undersheriff, deputy sheriff, correction officer or
11 identification officer, as defined in section eighty-nine-h of this
12 chapter or is employed in St. Lawrence county as a sheriff, undersher-
13 iff, deputy sheriff or correction officer, as defined in section eight-
14 y-nine-i of this chapter or is employed in Orleans county as a sheriff,
15 undersheriff, deputy sheriff or correction officer, as defined in
16 section eighty-nine-l of this chapter or is employed in Jefferson county
17 as a sheriff, undersheriff, deputy sheriff or correction officer, as
18 defined in section eighty-nine-j of this chapter or is employed in Onon-
19 daga county as a deputy sheriff-jail division competitively appointed or
20 as a correction officer, as defined in section eighty-nine-k of this
21 chapter or is employed in a county which makes an election under subdi-
22 vision j of section eighty-nine-p of this chapter as a sheriff, under-
23 sheriff, deputy sheriff or correction officer as defined in such section
24 eighty-nine-p or is employed in Broome County as a sheriff, undersher-
25 iff, deputy sheriff or correction officer, as defined in section eight-
26 y-nine-m of this chapter or is a Monroe county deputy sheriff-court
27 security, or deputy sheriff-jailor as defined in section eighty-nine-n,
28 as added by chapter five hundred ninety-seven of the laws of nineteen
29 hundred ninety-one, of this chapter or is employed in Greene county as a
30 sheriff, undersheriff, deputy sheriff or correction officer, as defined
31 in section eighty-nine-o of this chapter or is a traffic officer with
32 the town of Elmira as defined in section eighty-nine-q of this chapter
33 or is employed by Suffolk county as a park police officer, as defined in
34 section eighty-nine-r of this chapter or is a peace officer employed by
35 a county probation department as defined in section eighty-nine-t, as
36 added by chapter six hundred three of the laws of nineteen hundred nine-
37 ty-eight, of this chapter or is employed in Rockland county as a deputy
38 sheriff-civil as defined in section eighty-nine-v of this chapter as
39 added by chapter four hundred forty-one of the laws of two thousand one,
40 or is employed in Rockland county as a superior correction officer as
41 defined in section eighty-nine-v of this chapter as added by chapter
42 five hundred fifty-six of the laws of two thousand one or is a paramedic
43 employed by the police department in the town of Tonawanda and retires
44 under the provisions of section eighty-nine-v of this chapter, as added
45 by chapter four hundred seventy-two of the laws of two thousand one, or
46 is a county fire marshal, supervising fire marshal, fire marshal,
47 assistant fire marshal, assistant chief fire marshal or chief fire
48 marshal employed by the county of Nassau as defined in section eighty-
49 nine-w of this chapter and is in a plan which permits immediate retire-
50 ment upon completion of a specified period of service without regard to
51 age OR IS A QUALIFYING MEMBER AS DEFINED IN SUBDIVISION A OF SECTION
52 EIGHTY-NINE-X OF THIS CHAPTER. Except as provided in subdivision c of
53 section four hundred forty-five-a of this article, subdivision c of
54 section four hundred forty-five-b of this article, subdivision c of
55 section four hundred forty-five-c of this article, subdivision c of
56 section four hundred forty-five-d of this article, subdivision c of
S. 8225

4

1 section four hundred forty-five-e of this article, subdivision c of
2 section four hundred forty-five-f of this article and subdivision c of
3 section four hundred forty-five-h of this article, a member in such a
4 plan and such an occupation, other than a policeman or investigator
5 member of the New York city employees' retirement system or a fireman,

6 shall not be permitted to retire prior to the completion of twenty-five
7 years of credited service; provided, however, if such a member in such
8 an occupation is in a plan which permits retirement upon completion of
9 twenty years of service regardless of age, he may retire upon completion
10 of twenty years of credited service and prior to the completion of twenty-five
11 years of service, but in such event the benefit provided from
12 funds other than those based on such a member's own contributions shall
13 not exceed two per centum of final average salary per each year of credited
14 service.

15 S 3. Section 603 of the retirement and social security law is amended
16 by adding a new subdivision u to read as follows:

17 U. THE SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED
18 FOUR OF THIS ARTICLE SHALL BE PAYABLE TO QUALIFYING MEMBERS AS DEFINED
19 IN SUBDIVISION A OF SECTION EIGHTY-NINE-X OF THIS CHAPTER IF SUCH QUALIFYING
20 MEMBERS HAVE MET THE MINIMUM TWENTY-FIVE YEARS CREDITABLE SERVICE
21 REQUIREMENT AS DEFINED IN SUCH SECTION UPON RETIREMENT. ANY SUCH QUALIFYING
22 MEMBER SHALL BE ENTITLED TO RETIRE BY FILING AN APPLICATION THEREFOR
23 DURING THE OPEN PERIOD AS DEFINED IN SECTION EIGHTY-NINE-X OF THIS
24 CHAPTER, IN A MANNER SIMILAR TO THAT PROVIDED IN SECTION SEVENTY OF THIS
25 CHAPTER.

26 S 4. Section 604 of the retirement and social security law is amended
27 by adding a new subdivision u to read as follows:

28 U. THE SERVICE RETIREMENT BENEFIT FOR A MEMBER WHO IS A QUALIFYING
29 MEMBER AS DEFINED IN SUBDIVISION A OF SECTION EIGHTY-NINE-X OF THIS
30 CHAPTER SHALL BE A PENSION EQUAL TO ONE-FIFTIETH OF FINAL AVERAGE SALARY
31 TIMES YEARS OF QUALIFYING SERVICE, AS DEFINED IN SECTION EIGHTY-NINE-X
32 OF THIS CHAPTER, AT THE COMPLETION OF AT LEAST TWENTY-FIVE YEARS OF SUCH
33 SERVICE.

34 S 5. This act shall take effect immediately.

FISCAL NOTE.--This bill will create new Sections 89-x, 603(u) and 604(u) of the Retirement and Social Security Law which will provide a new retirement benefit for employees of the New York Power Authority who are employed at the Charles Poletti Power Project. This new benefit will be available to such members who are at least age fifty, who have at least twenty-five years of service credit, and who retire between August 1, 2010 and November 1, 2010. This new benefit will be 2% of Final Average Salary for each year of service credit.

If this bill is enacted, it is estimated that there will be an immediate past service cost of approximately \$2.57 million which will be borne by the New York Power Authority as a one time payment on February 1, 2011.

This cost is based on a list of sixteen eligible members supplied to us by the New York Power Authority. If other members became affected, this cost will change.

This estimate, dated December 10, 2009 and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-51, prepared by the Actuary for the New York State and Local Employees' Retirement System.