

BILL TEXT:

STATE OF NEW YORK

3927

2007-2008 Regular Sessions

IN SENATE

March 20, 2007

Introduced by Sens. TRUNZO, MAZIARZ, BONACIC, DeFRANCISCO, O.
JOHNSON,
LARKIN, LEIBELL, MALTESE, MARCELLINO, MORAHAN, SEWARD, SKELOS,
VOLKER
-- read twice and ordered printed, and when printed to be committed
to
the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation
to
providing county correction officers with a special optional
twenty
year retirement plan

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 article 14-C to read as follows:

3 ARTICLE 14-C

4 OPTIONAL RETIREMENT PLAN FOR

5 COUNTY CORRECTION OFFICERS

6 OR DEPUTY SHERIFFS PERFORMING AS CORRECTION OFFICERS

7 Section 561. Definitions.

8 562. Optional twenty year retirement plan for certain
members

9 whose employer elects to provide same.

10 563. Additional pension benefit for members of optional
twenty
11 year retirement plan.

12 564. Consistent provisions.

13 § 561. Definitions. For purposes of this article:

14 (a) "member" shall mean a person who is employed as a
county

15 correction officer or a deputy sheriff who is engaged directly
in
16 correction officer duties that aggregate fifty per centum of
their
17 service by a county which elects by resolution, duly adopted, to
provide
18 the benefits as authorized by this article.
19 (b) "retirement system" shall mean the New York state and
local
20 employees' retirement system.
21 (c) "creditable service" shall include, any and all services
performed
22 as a sheriff, undersheriff or deputy sheriff, or correction
officer.

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

[-] is old law to be omitted.

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1 Credit for service as a member or officer of the state police or
as a
2 paid fireman, policeman or officer of any organized fire department
or
3 police force or department of any county, city, village, town,
fire
4 district or police district, shall also be deemed to be
creditable
5 service and shall be included in computing years of total service
for
6 retirement pursuant to this section, provided such service was
performed
7 by the member while contributing to the retirement system pursuant
to
8 the provisions of this article or article eight of this chapter.
9 § 562. Optional twenty year retirement plan for certain members
whose
10 employer elects to provide same. (a) Any member of the retirement
system
11 may elect to become a member pursuant to the provisions of this
section
12 within one year after he or she becomes a member, if his or her
employer
13 has elected to make the benefits provided herein available to
members,
14 or within one year after his or her employer elects to make the
benefits
15 provided herein available to its members.
16 (b) Elections made pursuant to this section shall be in writing
and
17 shall be duly acknowledged and filed with the comptroller. Any
member
18 who files such an election pursuant to this section may withdraw
it

19 after it has been filed for at least a year. Such withdrawal shall be
by
20 written notice duly acknowledged and filed with the comptroller.
21 (c) A member participating on the basis of this section at the time
of
22 retirement, shall be entitled to retire after the completion of
twenty
23 years of total creditable service or upon the attainment of age
sixty-
24 two, by filing an application therefor in a manner similar to
that
25 provided in this chapter.
26 (i) Upon completion of twenty years of such service and upon
retire-
27 ment, each such member shall receive a pension sufficient to provide
him
28 or her with a retirement allowance equal to one-fortieth of his or
her
29 final average salary for each year of total creditable service for
which
30 he or she is otherwise entitled but not exceeding in the aggregate
one-
31 half of his or her final average salary.
32 (ii) Upon attainment of age sixty-two and upon retirement
without
33 completion of twenty years of such service, each such member
shall
34 receive a pension sufficient to provide him or her with a
retirement
35 allowance equal to one-fortieth of his or her final average salary
for
36 each year of creditable service. Every such member shall also be
enti-
37 tled to an additional pension equal to the pension for any other
credit-
38 able service rendered as otherwise provided for in this chapter.
This
39 latter pension shall not increase the total allowance to more than
one-
40 half of his or her final average salary.
41 (d) The increased pensions to such members, as provided by
this
42 section, shall be paid from additional contributions made by the
partic-
43 ipating employer on account of such members. The actuary of the
retire-
44 ment system shall compute the additional contribution required for
each
45 member who elects to receive the special benefits provided under
this
46 section. Such additional contributions shall be computed on the basis
of
47 contributions during the prospective service of such member which
will
48 cover the liability of the retirement system for such extra
pensions.

49 Upon approval of the comptroller, such additional contributions shall
be
50 certified by him or her to the chief fiscal officer or the
participating
51 employer. The amount thereof shall be included in the annual
appropri-
52 ation of the participating employer. Such amount shall be paid on
the
53 warrant of the chief fiscal officer of the participating employer to
the
54 pension accumulation fund of the retirement system.

55 (e) In computing the twenty years of completed service of a
member,
56 full credit shall be given for military service as defined in
subdivi-

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1 sions twenty-nine-a and thirty of section three hundred two of
this
2 chapter.

3 (f) Every member participating on the basis of this section shall
be
4 separated from the service on the last day of the calendar month
next
5 succeeding the calendar month in which he or she attains age sixty-
two,
6 provided, however, that such a member who attained the age of sixty-
two
7 before his or her employer elected to make the benefits provided
herein
8 available to him or her, or who attains the age of sixty-two within
one
9 month after his or her employer makes such benefits available, to
be
10 eligible for a pension computed in accordance with the provisions
of
11 this section, shall be separated from the service within three
months
12 after his or her employer makes such benefits available.

13 (g) The provisions of this section shall be controlling
notwithstand-

14 ing any provision of this article to the contrary.

15 (h) The benefits of this section shall be available only to
those

16 members whose employer elects to provide such benefits by adopting
a
17 resolution to such effect and filing a certified copy thereof with
the
18 comptroller.

19 (i) The benefits hereinabove provided shall be payable to a
member,

20 unless at the date of retirement, such member would otherwise be
enti-

21 tled to a greater benefit under other provisions of this chapter had
he

22 or she withdrawn from this section, in which event such greater
benefits

23 shall be payable.
24 § 563. Additional pension benefit for members of optional twenty
year
25 retirement plan. (a) A participating employer which has elected,
or
26 which elects to provide the benefits of the optional twenty year
retire-
27 ment plan for its employees as specified in this article may elect
to
28 make contributions for the purpose of providing an additional
pension
29 pursuant to this section for members in its employ who are entitled
to a
30 pension pursuant to section five hundred sixty-two of this
article.
31 Every member employed by an employer which has elected the provisions
of
32 section five hundred sixty-two of this article and this section
may
33 elect to be covered by the provisions of this section by filing with
the
34 comptroller, a duly executed and acknowledged form prepared by the
comp-
35 troller for that purpose.
36 (b) Upon retirement, each such member shall receive, for each year
of
37 service in excess of twenty, an additional pension which shall be
equal
38 to one-sixtieth of his or her final average salary; provided,
however,
39 that the total allowance payable pursuant to this section shall
not
40 exceed three-quarters of such member's final average salary.
41 § 564. Consistent provisions. Nothing contained in this
article
42 shall be construed to otherwise affect the applicability of
article
43 eleven, fourteen or fifteen of this chapter. Any other provisions
of
44 this chapter relating to mandatory contribution to the retirement
system
45 based upon a member's date of membership in such system shall not
be
46 deemed to be affected by the provisions of this article, and any
member
47 who on the date this article takes effect is not required to
contribute
48 shall not be required to make any contributions as a result of
this
49 section. For those members required to contribute to the
retirement
50 system, such contribution shall be treated in the same manner as
speci-
51 fied for such members in article fourteen or fifteen of this chapter.
52 § 2. Any past service payments required of a county as a result
of

53 the adoption of the benefits permitted by this act may be paid over
a
54 period of up to ten years at the option of such county.
55 § 3. This act shall take effect immediately.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:
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This bill will allow county correction officers and deputy sheriffs who are engaged in correction officer duties to become covered by the provisions of a special twenty (20) year retirement plan, which will provide a benefit of one-half of final average salary upon retirement if the employing county elects to provide such benefits. The county may elect an additional benefit of one sixtieth of final average salary for each year of service in excess of twenty (20) years, not to exceed fifteen (15) such years.

If this bill is enacted, the increase in the annual contributions of a county electing to provide these benefits will depend on the current salary and plan coverage of the affected members in its employ, as well as on the proposed plan elected by such county. For the fiscal year ending March 31, 2008, the additional annual cost for the twenty (20) year plan will be 2.9% of the affected correction officers' salaries for those currently covered by a twenty-five (25) year plan, and 5.1% of the affected correction officers' salaries for those currently covered by a regular age 55 plan. The additional annual cost for the twenty (20) year plan with additional sixtieths will be an additional 0.5% of the affected salaries.

However, in addition to the annual contributions discussed above, there will be an immediate past service cost for the affected officers which would depend on the current salary, plan, age and length of service of the officers, as well as on their proposed plan. This cost will be paid over a period of up to ten (10) years as determined by the employing county which elects the benefit.

This estimate, dated February 2, 2007 and intended for use only during

the 2007 Legislative Session, is Fiscal Note No. 2007-155, prepared
by
the Actuary for the New York State and Local Employees'
Retirement
System.