

TIMOTHY B. HOWARD
SHERIFF

MARK N. WIPPERMAN
UNDERSHERIFF



SHERIFF OF ERIE COUNTY

ADMINISTRATIVE OFFICES

TEN DELAWARE AVENUE
BUFFALO, NEW YORK 14202-3913
(716) 858-7618
FAX: (716) 858-7680

POLICE SERVICES

ONE SHERIFF'S DRIVE
ORCHARD PARK, NEW YORK 14127-3700
(716) 662-5554
FAX: (716) 662-8477
WEBSITE: <http://www.erie.gov/sheriff>

February 18, 2015

The Honorable
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

RE: Erie County Sheriff's Office – re-open twenty-year retirement enrollment

Dear Honorable Members:

The attached resolution is seeking the re-opening of the twenty-year retirement plan for Deputies Christopher J. Lysy; Kristin M. Rozycki; Marc J. Bristow; Daniel E. Walczak, and Thomas Van Wie who failed to receive timely notification of their eligibility to elect the twenty-year retirement plan.

Should your Honorable Body require further information, please contact the Division of Budget and Management and the Office of the Sheriff. Thank you for your consideration on this matter.

Sincerely,

Timothy B. Howard
Erie County Sheriff

ACCOMPANYING MEMORANDUM

RE: Erie County Sheriff's Office – re-open twenty-year retirement enrollment

I. Summary of Recommended Action

The attached resolution has been requested by the Sheriff's Office seeking legislation to re-open the twenty-year retirement plan for Deputies who did not receive timely notification allowing them to elect this plan.

II. Fiscal Implications of Proposal

There is yet to be determined a fiscal impact of the resolution. The County Personnel and Budget departments need to calculate the approximate difference between the two systems with the final amount to be determined by the New York State retirement system.

III. Reasons for Recommendation

The 20-year retirement system was established for individuals who serve in law enforcement. The Deputies named in the attached resolution qualify for the 20-year retirement system. However, the Deputies did not receive timely notice of their eligibility and were prevented from enrolling into the 20-year system. Therefore, a resolution and state legislation must be introduced and passed authorizing the New York State retirement system to create an open enrollment period allowing the Deputies to enroll in the correct retirement system for law enforcement personnel.

IV. Consequences of Negative Action

Failure to pass this resolution will prevent the New York Assembly and Senate from introducing and passing the necessary legislation. This in turn will deny the Deputies an opportunity to enroll in the proper retirement system designed for law enforcement personnel. In addition to the denial, the Deputies could bring suit against the County.

V. Steps Following Approval of Measure

Certified copies of this resolution be transmitted to the Western New York Delegation; the County Executive; the Sheriff; the Commissioner of Personnel and the Erie County Sheriff's Police Benevolent Association, Inc.

A RESOLUTION SUBMITTED BY
OFFICE OF SHERIFF

RE: Re-opening the enrollment period for the 20-year New York State Retirement System

WHEREAS, the County of Erie has individuals employed by the County of Erie and the Erie County sheriff's Office in the Criminal Division; and

WHEREAS, these employees were precluded from electing membership in the twenty-year retirement plan pursuant to article 14-b of the New York State Retirement and Social Security Law ("RSSL"), sections 552 and 553 because they failed to receive notification of their eligibility to elect the twenty-year retirement plan until after their enrollment period had closed; and

WHEREAS, the State Retirement System has advised that in order to re-open the enrollment period to allow the adversely impacted employees the twenty-year plan, a bill would need to be introduced in the Erie County Legislature, New York Assembly and the New York State Senate to allow for the re-opening of the enrollment period to allow: Deputies Christopher J. Lysy; Kristin M. Rozycki; Marc J. Bristow; Daniel E. Walczak, and Thomas Van Wie, to elect the twenty-year retirement plan.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature, with the support of the bargaining unit representing the aforementioned Deputies as well as the management of the Erie County Sheriff's Office requests that members of the New York State Senate and Assembly who comprise the Western New York Delegation sponsor and introduce a bill collective membership of the Assembly and Senate which would allow for the re-opening of the enrollment period to allow the Deputies Christopher J. Lysy; Kristin M. Rozycki; Marc J. Bristow; Daniel E. Walczak, and Thomas Van Wie to elect the twenty-year retirement plan; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Western New York Delegation; the County Executive; the Sheriff; the Commissioner of Personnel and the Erie County Sheriff's Police Benevolent Association, Inc.