



Legislation Details (With Text)

**File #:** Res 0566-2018      **Version:** \*      **Name:** Amend the education law to automatically enroll “optional employees” in the NYC Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance. (A.10935-A and S.8844-A)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Civil Service and Labor

**On agenda:** 10/17/2018

**Enactment date:**      **Enactment #:**

**Title:** Resolution calling on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.

**Sponsors:** I. Daneek Miller, Daniel Dromm, Helen K. Rosenthal, Vanessa L. Gibson, Ben Kallos, Stephen T. Levin, Jumaane D. Williams, Eric A. Ulrich

**Indexes:**

**Attachments:** 1. Res. No. 566, 2. A. 10935-A, 3. S. 8844-A, 4. October 17, 2018 - Stated Meeting Agenda with Links to Files, 5. Hearing Transcript - Stated Meeting 10-17-2018, 6. Minutes of the Stated Meeting - October 17, 2018, 7. Committee Report 11/27/18, 8. Hearing Testimony 11/27/18, 9. Hearing Transcript 11/27/18, 10. Committee Report 12/19/18, 11. Hearing Transcript 12/19/18, 12. Committee Report - Stated Meeting, 13. December 20, 2018 - Stated Meeting Agenda with Links to Files, 14. Hearing Transcript - Stated Meeting 12-20-18, 15. Minutes of the Stated Meeting - December 20, 2018

Date	Ver.	Action By	Action	Result
10/17/2018	*	City Council	Introduced by Council	
10/17/2018	*	City Council	Referred to Comm by Council	
11/27/2018	*	Committee on Civil Service and Labor	Hearing Held by Committee	
11/27/2018	*	Committee on Civil Service and Labor	Laid Over by Committee	
11/27/2018	*	Committee on Governmental Operations	Hearing Held by Committee	
11/27/2018	*	Committee on Governmental Operations	Laid Over by Committee	
12/19/2018	*	Committee on Civil Service and Labor	Hearing Held by Committee	
12/19/2018	*	Committee on Civil Service and Labor	Approved by Committee	Pass
12/20/2018	*	City Council	Approved, by Council	Pass

Res. No. 566

Resolution calling on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll “optional employees” in the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in

or out of the program in advance.

By Council Members Miller, Dromm, Rosenthal, Gibson, Kallos, Levin, Williams and Ulrich

Whereas, Public-sector employees comprise a significant portion of New York City's workforce; and  
Whereas, According to a report from the Department of Citywide Administrative Services (DCAS), the City of New York employs approximately 363,000 people, or 8.2 percent of the city's total workforce, as estimated by the Bureau of Labor Statistics; and

Whereas, DCAS also found that roughly 37,000, or 10 percent of city government employees, are part-time or temporary employees, and that 29 percent of all City employees, or roughly 105,000 people, are eligible to retire within the next five years; and

Whereas, Currently, part-time and temporary employees, as well as those who are not required to take civil service exams, are allowed optional enrollment in the Board of Education Retirement System (BERS), which, according to the office of the Comptroller, holds over \$4 billion in assets; and

Whereas, Part-time City employees have been eligible for pension benefits since 1988, when the State Court of Appeals ruled in their favor in a 7-0 decision; and

Whereas, Pension enrollment is optional; and

Whereas, According to the Chief Actuary for the New York City Retirement Systems and Pension Funds, only 73 percent of eligible employees join BERS; and

Whereas, Furthermore, the Chief Actuary has reported that 64 percent of those who have not elected to enroll are women, with an average salary of approximately \$22,410; and

Whereas, A simple lack of awareness can mean that a committed City employee can lose access to years of benefits to which he or she is entitled; and

Whereas, There is currently legislation in both the New York State Assembly and the New York State Senate that would address this issue; and

Whereas, A.10935-A and its companion, S.8844-A, would amend the education law by automatically enrolling new employees in the pension system 90 days after beginning employment; and

Whereas, The proposed legislation would also allow employees to either opt-in immediately or opt-out in accordance with their wishes; and

Whereas, These bills have won the support of District Council 37, New York City's largest public employee union, which represents 125,000 members and 50,000 retirees, and

Whereas, Most importantly, however this measure would ensure that City employees can obtain the pension benefits that they have earned; now, therefore, be it

Resolved, That the Council of the City of New York calls on the state legislature to pass and the Governor to sign, A.10935-A and S.8844-A, which would amend the education law to automatically enroll "optional employees" in to the New York City Board of Education Retirement System (BERS) after 90 days of employment unless the employee affirmatively opts in or out of the program in advance.

LS#6393  
10/2/18  
MK