

## ***Local Law Filing***

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

### **TOWN OF OYSTER BAY**

Local Law No. \_\_\_\_\_ of the year 2020

A local law entitled "A LOCAL LAW TO AUTHORIZE A LOCAL RETIREMENT INCENTIVE PROGRAM FOR THE ELIGIBLE EMPLOYEES OF THE TOWN OF OYSTER BAY."

Be it enacted by the Town Board of the Town of OYSTER BAY as follows:

**Section 1. Legislative Findings.** The Town Board of the Town of Oyster Bay finds and declares that the retirement benefits provided for in this local law are designed to achieve cost-savings for the Town. Nothing in this local law shall be construed to create an expectation of a future or continuing retirement benefit for any Town employee.

**Section 2.** The Town of Oyster Bay hereby elects to provide all its eligible employees, as defined herein, with a retirement incentive program, from the effective date of this local law through January 31, 2021.

**Section 3. Definitions.** As used in this local law, unless the context clearly requires otherwise:

- a. "Retirement System" shall mean the New York State and Local Employees' Retirement System;
- b. "Eligible Employee" shall mean a person who is a full-time employee of the Town of Oyster Bay and a member of the Retirement System, who:
  - i. has been continuously in the active service of the Town from no later than January 1, 2016 to the date immediately prior to retirement;
  - ii. is eligible for a service retirement (with or without penalty) as of the effective date of this local law or who first becomes eligible on or before December 31, 2020; and
  - iii. files an application for service retirement that is effective during the applicable period, as set forth in Section 5 hereof; and
- c. "Service retirement" shall mean retirement from public employment having the requisite age and/or years of service in the Retirement System making the employee eligible to retire with a pension under the rules of the Retirement System.

**Section 4.** In order for an Eligible Employee to qualify to receive the retirement benefit under this local law he or she must file:

- i. on or before September 30, 2020, an Irrevocable Letter of Voluntary Retirement with the Department of Human Resources, which tenders the employee's retirement, with his or her last day of work no later than the close

- of business on January 31, 2021, with his or her retirement being effective commencing no later than February 1, 2021; and
- ii. an application for service retirement with the Retirement System which states that the employee's last day of work must be no later than the close of business on January 31, 2021, with his or her retirement being effective commencing no later than February 1, 2021.

**Section 5.** Notwithstanding any other provision of law, an Eligible Employee who is a member of the Retirement System, who complies with the requirements of Section 4 of this local law, shall receive a retirement incentive of the sum of \$1,000.00 for each completed year of retirement service credit in the Retirement System as of the date of his or her retirement.

In addition, the Town shall provide the retirees who retire under this incentive with individual health insurance coverage, including optical and dental insurance, (in the manner currently provided to Town employees) for life, at no cost to the retiree, and shall provide such insurance coverage to those individuals covered under the retiree's family coverage, if applicable, during retiree's life, at no cost.

**Section 6.** Notwithstanding any other provision of law, if an Eligible Employee who is a member of the Retirement System and who is entitled to a retirement incentive under this local law, has at least ten (10) years of active service in the Retirement System at the date of his/her retirement, the health insurance to be provided by the Town under Section 5 shall extend to cover those individuals covered under the retiree's family coverage, if applicable, during retiree's life and for a period of five (5) years after the retiree's date of death.

**Section 7.** In addition to the retirement incentives set forth in Section 5 and Section 6 of this local law, any Eligible Employee who retires pursuant to this local law shall receive his or her termination pay arising from accrued sick leave and/or accrued annual leave, to the date of retirement, as set forth in the collective bargaining agreement between the Town and CSEA Local 881, for the period January 1, 2017 to December 31, 2021.

**Section 8.** The amounts due under Section 5 and Section 7 to any Eligible Employee who has complied with this local law and who retires pursuant to this local law shall be paid, at the employee's option, to be exercised prior to the effective date of his or her retirement, either:

- a. In one lump sum seventy-five (75) days after the effective date of retirement; or
- b. In three equal payments, the first payment to be made within seventy-five (75) days after the effective date of the employee's retirement, the second payment to be made on the first anniversary of the effective date of the retirement, and the third payment to be made on the second anniversary of the effective date of the retirement, all without interest.

**Section 9.** Nothing contained herein shall diminish any benefits or rights to which any retiree is entitled to receive pursuant to the collective bargaining agreement by and between the Town of Oyster Bay and CSEA Local 881, for the period January 1, 2017 to December 31, 2021, or under the New York State Retirement System.

**Section 10.** Participation in the incentive is voluntary and no employee shall be required to participate in the incentive.

**Section 11. SEQRA Determination.** It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(20) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

**Section 12 Severability.** If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

**Section 13. Effective Date.** This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

**CERTIFICATION:**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2020 of the Town of Oyster Bay was duly passed by the Town Board on \_\_\_\_\_, 2020, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Clerk of the Town of Oyster Bay

(Seal)

Date: \_\_\_\_\_, 2020

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Town Attorney

\_\_\_\_\_  
Title

Town of Oyster Bay

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Date: \_\_\_\_\_ 2020