



## Legislation Text

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**File #:** Res 1350-2017, **Version:** \*

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### Res. No. 1350

Resolution calling upon the New York State Legislature, and the Governor, to enact legislation to require New York City and State employees to forfeit their pensions when they are found to have violated the law and deemed ineligible for employment.

By Council Members Barron and Salamanca

Whereas, Article V of the New York State Constitution provides that membership in a public pension plan “shall be a contractual relationship, the benefits of which shall not be diminished or impaired;” and

Whereas, New York State Retirement and Social Security Law (“RSS”) governs employment pension plans of City and State employees; and

Whereas, RSS allows pension forfeiture for certain New York State office holders and officers; and

Whereas, Moreover, pursuant to RSS, overpayment of benefits to a retiree that is the result of fraud or mistake is subject to recoupment; and

Whereas, The overwhelming majority of City and State employees are hard-working individuals who deserve our gratitude and respect; and

Whereas, A very small minority of these employees have recently come to public attention for illegal or criminal activities committed while in public service; and

Whereas, Some of these employees have used their public office for personal gain, while others have benefited from City or State employment as a result of fraudulent concealment of material facts related to their employment; and

Whereas, Public sector employees who commit affirmative acts of fraud in order to obtain City or State employment, and therefore to become eligible for a public pension, should be required to forfeit their pension

benefits; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature, and the Governor, to enact legislation to require New York City and State employees to forfeit their pensions when they are found to have violated the law and deemed ineligible for employment.

GZ  
LS 8890  
December 15, 2016