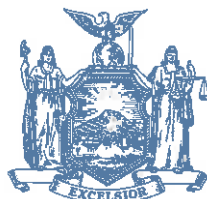


THOMAS P. DiNAPOLI
STATE COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

April 3, 2020

Honorable Andrew M. Cuomo
Governor of the State of New York
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

Governing provisions of the Retirement and Social Security Law impose a fifteen day waiting period before a member of the New York State and Local Retirement System's application for service retirement becomes effective. As this requirement is mandated by law, the System has no discretion to waive or modify it to address the pressing needs of members and their beneficiaries stemming from the current public health crisis. While, under ordinary circumstances, the waiting period affords members a window to change their minds and rescind a decision to retire, in light of events, a temporary waiver of this period is warranted to meet a compelling need.

Specifically, under the law, if a member should decease within the fifteen day waiting period, his or her service retirement will not become effective and their beneficiaries will be deprived of the pension benefit which the member intended to provide to them for their continued welfare. Therefore, I write to request that you issue an Executive Order pursuant to Executive Law §29-a temporarily modifying Retirement and Social Security Law §§ 70 and 370 for ninety days to waive the fifteen day waiting period and allow members to effectuate their service retirements upon one day's notice. I have also included language for the proposed order for your consideration.

I believe that this temporary modification is necessary to meet the current challenges and will alleviate the burden on members concerned about the well-being of their families and loved ones.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. P. DiNapoli".

Thomas P. DiNapoli
State Comptroller

Enc.

Proposed Language for Executive Order Waiving 15-Day Waiting Period

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, **I hereby temporarily suspend or modify, for a 90 period from the date of this Executive Order the following:**

Subdivision a of Section 70 and Subdivision a of Section 370 of the Retirement and Social Security Law to waive the 15 day waiting period in which a service retirement application must be on file before it becomes effective. A member who executes and files an application for service retirement, with an effective date which is at least one day and no more than ninety days after the date of filing, shall meet the timeframe in which to file.