

TOWN OF DAY
COUNTY OF SARATOGA, STATE OF NEW YORK
Local Law No. 02 of the Year 2021

A LOCAL LAW AESTABLISHING A MEDICAL INSURANCE POLICY FOR
RETIRING ELECTED OFFICIALS AND EMPLOYEES IN THE TOWN OF DAY

Be it Enacted by the Town Board of the Town of Day, as follows:

Section 1. Declaration of legislative findings

The Town of Day (hereinafter “Town”), pursuant to General Municipal Law § 92-a, has the authority to provide health insurance benefits to elected officials and employees whether active or retired. After due deliberation, the Town Board finds that it is necessary to adopt such a local law to determine the eligibility of elected officials and employees of the Town for health insurance benefits upon such elected official and/or employee’s retirement from service or employment with the Town. The Town Board finds that adoption of such a local law is necessary and in the best interest of the Town, Town residents and Town employees and elected officials to define a Town policy for such retired elected officials and/or employees.

Section 2. Title and Authority

This Local Law shall be known as “A Local Law Establishing a Medical Insurance Policy for Retiring Elected Officials and Employees.” It is adopted pursuant to Section 10 of Municipal Home Rule Law.

Section 3. Definitions

As used in this chapter, any inconsistent provisions of law notwithstanding, the following terms shall have the following meanings:

“**Employees**” means all employees of the Town of Day.

“**Elected Officials**” means the **Superintendent of Highways** of the Town of Day.

“**Medical-benefit-eligible**” means that for employee, during the individual employee’s employment with the Town of Day, the employee would then have been eligible for medical benefits, and for Elected Officials, that such Elected Official individually would then have been eligible for medical benefits, both during the time of his or her employment or his or her office.

Section 4. Eligibility (employees)

An eligible retired employee of the Town must meet all of these requirements:

- 1) hired as full-time employee of the Town of Day before December 31, 2020;

- 2) served at least **twenty-five years** of employment as a full-time, medical-benefit-eligible employee with the Town of Day (service does not have to be continuous);
- 3) attained at least **fifty-five years** of age;
- 4) retired directly from the Town of Day; and,
- 5) received service retirement benefits from the New York State Retirement System upon retirement from Town service or within ninety calendar days thereof.

Notwithstanding the above, an employee who leaves employment voluntarily or involuntarily due to disciplinary action or as settlement thereof will not be eligible for medical insurance or prescription drug coverage for retirees.

This Local Law and the benefits conferred herein shall not be deemed irrevocable and shall confer no property or other rights to any continuation or fulfillment of the benefits conferred herein. The Town Board of the Town of Day reserves the unfettered right, free from judicial review, to modify these age and service eligibility requirements at any time and for any reason.

Section 5. Eligibility (elected officials)

An Elected Official in the office of Superintendent of Highways or Town Clerk is eligible provided such elected official meets all of these requirements:

- 1) took office before December 31, 2020;
- 2) credited with at least twenty-five years in the New York State Retirement System with no less than **twenty-five years** of that service credited to the Town of Day;
- 3) attained at least **fifty-five years** of age;
- 4) retired directly from the Town of Day; and,
- 5) receiving service retirement benefits from the New York State Retirement System upon retirement from Town service or within ninety calendar days thereof.

Notwithstanding the above, an Elected Official who is removed from office due to disciplinary action will not be eligible for medical insurance or prescription drug coverage for retirees.

The Town Board of the Town of Day reserves the unfettered right, free from judicial review, to modify these age and service eligibility requirements.

Section 6. Dependents

Coverage is not available for the retiree's spouse and/or dependents under this Local Law.

Section 7. Filing Requirements

Eligible retirees are entitled to post-retirement medical insurance as set forth herein provided the eligible retiree has notified the Town of his or her election to receive post-retirement medical insurance coverage at the time the employee or elected official submits an application for retirement with the Town. This notification must be submitted prior to the eligible retiree's completion of Town service.

Section 8. Insurance Plan

The Town Board will make available the same single person medical insurance plan(s) and prescription drug plan(s) that it makes available to active employees of the Town. When the retiree meets the eligibility criteria for Medicare coverage, coverage will be provided by Medicare and the Town **will not** continue to make available a medical insurance plan or prescription drug plan to the retiree.

Section 9. Premiums and Deductibles

For an eligible retiree, the Town will pay the same percentage of the **premium** that the Town is paying as of the beginning of the fiscal year in which the eligible retiree retires, as same may, from time to time, change as the Town Board may determine.

When the retiree meets the eligibility criteria for Medicare coverage, the Town **will not** continue to make available a medical insurance plan or prescription drug plan to the retiree, however, the Town **will** reimburse the monthly premium cost for **Medicare Part B**.

Section 10. Town Board right to modify post-employment benefit

This Local Law is not a contract of employment, expressed or implied, and should not be construed as such. The Town Board of the Town of Day reserves the unfettered right, free from judicial review, to modify or eliminate the post-employment medical insurance benefit set forth herein and/or the contribution that the Town makes towards the premiums and/or the "high deductible" component of the medical insurance plan.

Section 11. Applicability

This Local Law shall apply only to all eligible employees and eligible elected officials retiring on or after December 31, 2020.

Section 12. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 13. Effective Date.

This Local Law shall take effect upon filing with the New York State Secretary of State.