



Office of the New York State Comptroller
Thomas P. DiNapoli
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

June 2010

Re: Elected and Appointed Official Reporting

Dear Employer:

The Comptroller has adopted revised regulations for reporting days worked by elected and appointed officials to the New York State and Local Retirement System (NYSLRS). Regulation 315.4 more clearly defines the reporting process and adds requirements for both employers and elected and appointed officials. Among the changes are an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed. The regulation applies to new terms of office or appointments beginning on or after August 12, 2009.

We have prepared the attached letter to help you explain the new requirements to your elected and appointed officials. Please distribute a copy of this letter to all applicable elected and appointed officials to help familiarize them with the regulation.

For a comprehensive explanation of Regulation 315.4, including answers to frequently asked questions, please visit our website. If you need additional assistance, please contact our Employer Participation Unit at (518) 474-0167.

Sincerely,

Melanie Whinnery
Director, Member & Employer Services

MW



Office of the New York State Comptroller
Thomas P. DiNapoli
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

June, 2010

Dear Elected or Appointed Official:

If you are an elected or appointed official, the New York State and Local Retirement System (NYSLRS) has set additional reporting requirements that may apply to you. [Section 315.4 of the New York Codes, Rules and Regulations](#) requires all elected and appointed officials whose terms start on or after August 12, 2009, who are members of NYSLRS and who do NOT participate in their employer's time keeping system to prepare a log of their work-related activities for three consecutive months. Officials must then submit their logs to the clerk or secretary of the governing board within 150 days of the start of their term.¹

If this regulation applies to you, you must keep a log that contains daily details of the hours you have worked and duties you have performed that directly relate to your position as an elected or appointed official. Your log can include duties performed outside normal business hours such as attending employer-sponsored meetings or events, addressing constituent concerns and responding to emergencies. Activities not considered work-related include time attending electoral and campaign events, non-work related socializing after town board meetings, attendance at a candidate's forum and on call time.

Upon receipt of the logs, the governing board must pass a resolution at its first meeting following 180 days of the start of your new term which:

- Establishes a standard work day for each office
- Specifies the expiration of each term
- Designates the number of days to be reported for each official (based on submitted logs)
- Certifies receipt of record of activities OR that employer maintains a record of ACTUAL time worked.

Once the resolution has been passed, the clerk or secretary of the governing board must:

- Post the resolution (with personal identification numbers redacted) on their official website or sign board for at least 30 days

¹ If you are currently in a term that began before August 12, 2009, you must comply with the previous one-month log requirement.

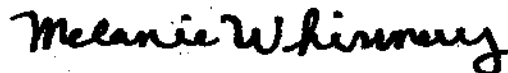
- Submit a certified copy of the resolution and affidavit of posting to the Office of the State Comptroller. (Employers should submit these resolutions and affidavits of posting using the Office of the State Comptroller's online system.)
- Retain copies of the elected and appointed officials' logs for a minimum of ten years.

Your log may be recertified at the beginning of any subsequent terms of office for up to eight years from the date you took the office for which you maintained the initial record of activities, as long as your job duties remain the same. If there are changes in your job duties within the eight years, a new log, resolution and posting must be prepared and sent to the State Comptroller. If you believe your initial three-month log is not representative of the number of hours you typically work, you may submit a new log for an alternate three-month period. A revised resolution and affidavit of posting should then be resubmitted to the Office of the State Comptroller.

If you or your employer fails to comply with this new regulation, your membership benefits including service credit accruals, estimates, tier reinstatement, requests for previous service credit and annual membership statements can be suspended.

If you have any questions regarding this regulation, please contact your employer or visit our website for an [overview of Elected and Appointed Officials Reporting requirements](#)

Sincerely,



Melanie Whinnery
Director, Member & Employer Services

MW