



The following information was recently provided to NYSTRS' participating employers. As a Retirement System delegate, it is important you are aware of these issues.

## **Delegate News**

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### **Annual Delegates Meeting — Attendance, Salary and Expense Issues**

Section 504 of the Education Law provides that three of the 10 members of the System's Retirement Board must be active members of the System. Section 505 of the Education Law provides for the election of these Retirement Board members on a rotating basis at an annual meeting of member delegates held each October or November. Ballots may only be cast by delegates who are present at the convention. There are no provisions in the law for casting absentee ballots.

In an effort to assist participating employers in understanding how to treat delegate attendance, salary and expense issues as they relate to the annual meeting, NYSTRS has posted opinions of the State Education Department and State Comptroller on the Delegate Election & Annual Meeting page of [NYSTRS.org](http://NYSTRS.org). (This page is found under the Employers tab.) Included are:

- A decision by the [New York State Commissioner of Education](#) that attending the meeting is part of a delegate's official duties and as such the delegate is entitled to his or her normal salary when attending this meeting. However, because delegates do not attend the meeting as delegates of the employers, there is no legal authority for employers to reimburse delegates for expenses incurred.
- An opinion of the [Counsel to the Education Department](#) that delegates are entitled to full salary when attending the annual meeting and that no deductions should be made from any sick or other leave credit accruals for attending the meeting.
- An opinion of the [New York State Comptroller](#) that employers may not pay the expenses of employees who attend the NYSTRS annual meeting of delegates.

Employers requiring any clarification of these opinions as they relate to their circumstances are encouraged to contact the State Education Department or the Office of the State Comptroller, as applicable.

*Delegate News dating from 2005 to the present are available on our website at NYSTRS.org. Select Delegates and visit the Delegate News page.*