

STATE OF NEW YORK

6131--A

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to removing the social security offset for New York city uniformed correction officers who are members of the New York city uniformed correction/sanitation revised plan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 505 of the retirement and social security law, as
2 amended by chapter 18 of the laws of 2012, is amended to read as
3 follows:

4 § 505. Service retirement benefits; police/fire members, New York city
5 uniformed correction/sanitation revised plan members and investigator
6 revised plan members. a. The normal service retirement benefit for
7 police/fire members, New York city uniformed correction/sanitation
8 revised plan members and investigator revised plan members at normal
9 retirement age shall be a pension equal to fifty percent of final aver-
10 age salary, less fifty percent of the primary social security retirement
11 benefit commencing at age sixty-two, as provided in section five hundred
12 eleven of this article, except that for members of the New York city
13 uniformed correction revised plan, the normal service retirement benefit
14 shall not be reduced by the primary social security retirement benefit
15 commencing at age sixty-two as provided in section five hundred eleven
16 of this article.

17 b. The early service retirement benefit for police/fire members, New
18 York city uniformed correction/sanitation revised plan members and
19 investigator revised plan members shall be a pension equal to two and
20 one-tenths percent of final average salary times years of credited
21 service at the completion of twenty years of service or upon attainment

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 of age sixty-two, increased by one-third of one percent of final average
2 salary for each month of service in excess of twenty years, but not in
3 excess of fifty percent of final average salary, less fifty percent of
4 the primary social security retirement benefit commencing at age sixty-
5 two as provided in section five hundred eleven of this article,
6 provided, however, that New York city police/fire revised plan members,
7 New York city uniformed correction/sanitation revised plan members and
8 investigator revised plan members shall not be eligible to retire for
9 service prior to the attainment of twenty years of credited service, and
10 provided further that for members of the New York city uniformed
11 correction revised plan, the early service retirement benefit shall not
12 be reduced by the primary social security retirement benefit commencing
13 at age sixty-two as provided in section five hundred eleven of this
14 article.

15 c. A police/fire member, a New York city uniformed
16 correction/sanitation revised plan member or an investigator revised
17 plan member who retires with twenty-two years of credited service or
18 less may become eligible for annual escalation of the service retirement
19 benefit if he elects to have the payment of his benefit commence on the
20 date he would have completed twenty-two years and one month or more of
21 service. In such event, the service retirement benefit shall equal two
22 percent of final average salary for each year of credited service, less
23 fifty percent of the primary social security retirement benefit commencing
24 at age sixty-two as provided in section five hundred eleven of this
25 article, except that for members of the New York city uniformed
26 correction revised plan, the service retirement benefit shall not be
27 reduced by the primary social security retirement benefit commencing at
28 age sixty-two as provided in section five hundred eleven of this
29 article.

30 § 2. Paragraph 1 of subdivision c of section 507 of the retirement and
31 social security law, as amended by chapter 298 of the laws of 2016, is
32 amended to read as follows:

33 1. In the case of a member of a retirement system other than the New
34 York state and local employees' retirement system, the New York state
35 teachers' retirement system, the New York city employees' retirement
36 system, the New York city board of education retirement system or the
37 New York city teachers' retirement system, or in the case of a member of
38 the New York city employees' retirement system who is a New York city
39 uniformed correction/sanitation revised plan member or an investigator
40 revised plan member, the accidental disability benefit hereunder shall
41 be a pension equal to two percent of final average salary times years of
42 credited service which such member would have attained if employment had
43 continued until such member's full escalation date, not in excess of the
44 maximum years of service creditable for the normal service retirement
45 benefit, less (i) fifty percent of the primary social security disability
46 benefit, if any, as provided in section five hundred eleven of this
47 article, and (ii) one hundred percent of any workers' compensation bene-
48 fits payable, except that for members of the New York city uniformed
49 correction revised plan, the accidental disability benefit shall not be
50 reduced by the primary social security benefit as provided in section
51 five hundred eleven of this article. The provisions of this paragraph
52 shall not apply to New York city enhanced plan members.

53 § 3. Subdivision f of section 511 of the retirement and social securi-
54 ty law, as amended by chapter 18 of the laws of 2012, is amended, subdi-
55 vision g is relettered subdivision h, and a new subdivision g is added
56 to read as follows:

1 f. This section shall not apply to general members in the uniformed
2 correction force of the New York city department of correction or to
3 uniformed personnel in institutions under the jurisdiction of the
4 department of corrections and community supervision and security hospi-
5 tal treatment assistants, as those terms are defined in subdivision i of
6 section eighty-nine of this chapter, provided, however, that the
7 provisions of this section shall apply to [~~a~~] New York city sanitation
8 members of the New York city uniformed correction/sanitation revised
9 plan [~~member~~].

10 g. This section shall not apply to New York city uniformed correction
11 officers who are members of the New York city uniformed
12 correction/sanitation revised plan.

13 § 4. This act shall take effect immediately.