

STATE OF NEW YORK

1879

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. SKOUFIS, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan

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

1 Section 1. The retirement and social security law is amended by adding
2 a new article 14-C to read as follows:

ARTICLE 14-C

OPTIONAL RETIREMENT PLAN FOR COUNTY CORRECTION OFFICERS OR DEPUTY SHERIFFS PERFORMING AS CORRECTION OFFICERS

Section 561. Definitions.

7 562. Optional twenty year retirement plan for certain members
8 whose employer elects to provide same.

9 563. Additional pension benefit for members of optional twenty
10 year retirement plan.

11 564. Consistent provisions.

§ 561. Definitions. For purposes of this article:

13 (a) "Member" shall mean a person who is employed as a county
14 correction officer or a deputy sheriff who is engaged directly in
15 correction officer duties that aggregate fifty per centum of their
16 service by a county which elects by resolution or local law, duly
17 adopted, to provide the benefits as authorized by this article.

18 (b) "Retirement system" shall mean the New York state and local
19 employees' retirement system.

20 (c) "Creditable service" shall include any and all services performed
21 as a sheriff, undersheriff or deputy sheriff, or correction officer.
22 Credit for service as a member or officer of the state police or as a
23 paid fireman, policeman or officer of any organized fire department or

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

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1 police force or department of any county, city, village, town, fire
2 district or police district, shall also be deemed to be creditable
3 service and shall be included in computing years of total service for
4 retirement pursuant to this section, provided such service was performed
5 by the member while contributing to the retirement system pursuant to
6 the provisions of this article or article eight of this chapter.

7 § 562. Optional twenty year retirement plan for certain members whose
8 employer elects to provide same. (a) Any member of the retirement system
9 may elect to become a member pursuant to the provisions of this section
10 within one year after he or she becomes a member, if his or her employer
11 has elected to make the benefits provided by this section available to
12 members, or within one year after his or her employer elects to make the
13 benefits provided by this section available to its members.

14 (b) Elections made pursuant to this section shall be in writing and
15 shall be duly acknowledged and filed with the comptroller. Any member
16 who files such an election pursuant to this section may withdraw it
17 after it has been filed for at least a year. Such withdrawal shall be by
18 written notice duly acknowledged and filed with the comptroller.

19 (c) A member participating on the basis of this section at the time of
20 retirement shall be entitled to retire after the completion of twenty
21 years of total creditable service or upon the attainment of age sixty-
22 two, by filing an application therefor in a manner similar to that
23 provided in this chapter.

24 (i) Upon completion of twenty years of such service and upon retire-
25 ment, each such member shall receive a pension sufficient to provide him
26 or her with a retirement allowance equal to one-fortieth of his or her
27 final average salary for each year of total creditable services for
28 which he or she is otherwise entitled but not exceeding in the aggregate
29 one-half of his or her final average salary.

30 (ii) Upon attainment of age sixty-two and upon retirement without
31 completion of twenty years of such service, each such member shall
32 receive a pension sufficient to provide him or her with a retirement
33 allowance equal to one-fortieth of his or her final average salary for
34 each year of creditable service. Every such member shall also be enti-
35 tled to an additional pension equal to the pension for any other credit-
36 able service rendered as otherwise provided for in this chapter. This
37 latter pension shall not increase the total allowance to more than one-
38 half of his or her final average salary.

39 (d) The increased pensions to such members, as provided by this
40 section, shall be paid from additional contributions made by the partic-
41 ipating employer on account of such members. The actuary of the retire-
42 ment system shall compute the additional contribution required for each
43 member who elects to receive the special benefits provided under this
44 section. Such additional contributions shall be computed on the basis of
45 contributions during the prospective service of such member which will
46 cover the liability of the retirement system for such extra pensions.
47 Upon approval of the comptroller, such additional contributions shall be
48 certified by him or her to the chief fiscal officer or the participating
49 employer. The amount thereof shall be included in the annual appropri-
50 ation of the participating employer. Such amount shall be paid on the
51 warrant of the chief fiscal officer of the participating employer to the
52 pension accumulation fund of the retirement system.

53 (e) In computing the twenty years of completed service of a member,
54 full credit shall be given for military service as defined in subdivi-
55 sions twenty-nine-a and thirty of section three hundred two of this
56 chapter.

1 (f) Every member participating on the basis of this section shall be
2 separated from the service on the last day of the calendar month next
3 succeeding the calendar month in which he or she attains age sixty-two,
4 provided, however, that such a member who attained the age of sixty-two
5 before his or her employer elected to make the benefits provided by this
6 section available to him or her, or who attains the age of sixty-two
7 within one month after his or her employer makes such benefits avail-
8 able, to be eligible for a pension computed in accordance with the
9 provisions of this section, shall be separated from the service within
10 three months after his or her employer makes such benefits available.

11 (g) The provisions of this section shall be controlling notwithstand-
12 ing any other provision of this article to the contrary.

13 (h) The benefits of this section shall be available only to those
14 members whose employer elects to provide such benefits by adopting a
15 resolution or local law to such effect and filing a certified copy ther-
16 eof with the comptroller.

17 (i) The benefits provided by this section shall be payable to a
18 member, unless at the date of retirement such member would otherwise be
19 entitled to a greater benefit under other provisions of this chapter had
20 he or she withdrawn from this section, in which event such greater bene-
21 fits shall be payable.

22 § 563. Additional pension benefit for members of optional twenty year
23 retirement plan. (a) A participating employer which has elected, or
24 which elects to provide the benefits of the optional twenty year retire-
25 ment plan for its employees as specified in this article may elect to
26 make contributions for the purpose of providing an additional pension
27 pursuant to this section for members in its employ who are entitled to a
28 pension pursuant to section five hundred sixty-two of this article.
29 Every member employed by an employer which has elected the provisions of
30 section five hundred sixty-two of this article and this section may
31 elect to be covered by the provisions of this section by filing with the
32 comptroller, a duly executed and acknowledged form prepared by the comp-
33 troller for that purpose.

34 (b) Upon retirement, each such member shall receive, for each year of
35 service in excess of twenty, an additional pension which shall be equal
36 to one-sixtieth of his or her final average salary; provided, however,
37 that the total allowance payable pursuant to this section shall not
38 exceed three-quarters of such member's final average salary.

39 § 564. Consistent provisions. Nothing contained in this article shall
40 be construed to otherwise affect the applicability of article eleven,
41 fourteen or fifteen of this chapter. Any other provisions of this chap-
42 ter relating to mandatory contribution to the retirement system based
43 upon a member's date of membership in such system shall not be deemed to
44 be affected by the provisions of this article, and any member who on the
45 effective date of this article is not required to contribute shall not
46 be required to make any contributions as a result of this section. For
47 those members required to contribute to the retirement system, such
48 contribution shall be treated in the same manner as specified for such
49 members in article fourteen or fifteen of this chapter.

50 § 2. Any past service payments required of a county as a result of the
51 adoption of the benefits permitted by this act may be amortized over a
52 period of up to ten years at the option of such county.

53 § 3. This act shall take effect immediately.