

# STATE OF NEW YORK

5005

2025-2026 Regular Sessions

## IN ASSEMBLY

February 10, 2025

Introduced by M. of A. BICHOTTE HERMELYN, GONZALEZ-ROJAS, LUCAS, CONRAD, COLTON, BENDETT, BRABENEC, K. BROWN, DeSTEFANO, SAYEGH, HYNDMAN, ZACCARO -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York and the retirement and social security law, in relation to providing that members of a retirement system who retire from such system and later rejoin the retirement system are entitled to the same rights, benefits and privileges such member had prior to retirement

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

1 Section 1. Section 13-105 of the administrative code of the city of  
2 New York is amended to read as follows:  
3 § 13-105 Membership; eligibility in certain cases. Notwithstanding any  
4 inconsistent provision of this chapter, the code, or any other law, an  
5 officer or employee in city-service who is otherwise eligible for  
6 membership in this retirement system but who is entitled to receive  
7 benefits from any other pension fund or retirement system maintained by  
8 the city may become a member of this retirement system provided such  
9 benefits are suspended during [~~his or her~~] such officer or employee's  
10 active membership in this retirement system. Such member shall contrib-  
11 ute to this retirement system as a new entrant, provided, however, that  
12 in the case of a member who has retired or retires from public service  
13 on or after July first, nineteen hundred seventy-six and suspended or  
14 suspends such member's retirement allowance upon entrance into city-ser-  
15 vice, such member shall be entitled to the same rights and privileges as  
16 those to which such member was entitled upon such member's last date of  
17 entry into a public retirement system or pension fund of the state or  
18 the city of New York.  
19 § 2. Subdivision 2 of section 519 of the retirement and social securi-  
20 ty law is amended by adding a new paragraph (vi) to read as follows:

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

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1 (vi) Notwithstanding any other provision of law, any member of a  
2 public retirement system who retired after having last entered such  
3 system on or after July first, nineteen hundred seventy-six, and there-  
4 after re-entered service and joined or rejoined a public retirement  
5 system shall be entitled to all the rights, benefits and privileges and  
6 subject to all the obligations set forth in any law or laws relating to  
7 public retirement systems and to which such member would have been  
8 subject or entitled had such member entered or re-entered membership in  
9 such retirement system on the date in which such member first entered  
10 the retirement system from which such member retired.

11 § 3. Subdivision b of section 614 of the retirement and social securi-  
12 ty law is amended by adding a new paragraph (vi) to read as follows:

13 (vi) Notwithstanding any other provision of law, any member of a  
14 public retirement system who retired after having last entered such  
15 system on or after July first, nineteen hundred seventy-six, and there-  
16 after re-entered service and joined or rejoined a public retirement  
17 system shall be entitled to all the rights, benefits and privileges and  
18 subject to all the obligations set forth in any law or laws relating to  
19 public retirement systems and to which such member would have been  
20 subject or entitled had such member entered or re-entered membership in  
21 such retirement system on the date in which such member first entered  
22 the retirement system from which such member retired.

23 § 4. This act shall take effect immediately.