

STATE OF NEW YORK

3314

2025-2026 Regular Sessions

IN SENATE

January 24, 2025

Introduced by Sens. GALLIVAN, BORRELLO, GRIFFO, HELMING, RHOADS, WEIK --
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
certain benefits of sheriffs, undersheriffs, deputy sheriffs and
correction officers with credited service of more than twenty-five
years

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

1 Section 1. Subdivision c of section 89-p of the retirement and social
2 security law, as added by chapter 725 of the laws of 1994, is amended to
3 read as follows:

4 c. Upon completion of twenty-five years of such service and upon
5 retirement, each such member shall receive a pension which, together
6 with an annuity which shall be the actuarial equivalent of [~~his~~] such
7 member's accumulated contributions at the time of [~~his~~] such member's
8 retirement and an additional pension which is the actuarial equivalent
9 of the reserved-for-increased-take-home-pay to which [~~he~~] such member
10 may then be entitled shall be sufficient to provide [~~him~~] such member
11 with a retirement allowance equal to one-half of [~~his~~] such member's
12 final average salary, provided however that a member with credited
13 service in excess of twenty-five years shall receive an additional
14 retirement allowance equal to one-sixtieth of such member's final aver-
15 age salary for each year of creditable service in excess of twenty-five
16 years, provided, however that the pension payable pursuant to this
17 section shall not exceed three-quarters of such member's final average
18 salary.

19 § 2. Subdivision m of section 604 of the retirement and social securi-
20 ty law, as added by chapter 725 of the laws of 1994, is amended to read
21 as follows:

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

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1 m. The early service retirement benefit for a member who is employed
 2 in a county that makes the election provided for in subdivision j of
 3 section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy
 4 sheriff or correction officer as defined in section eighty-nine-p of
 5 this chapter shall be a pension equal to one-fiftieth of final average
 6 salary times years of credited service at the completion of twenty-five
 7 years of service as such sheriff, undersheriff, deputy sheriff or
 8 correction officer, [~~but not exceeding one-half of his or her~~] plus an
 9 additional retirement allowance equal to one-sixtieth of such member's
 10 final average salary for each year of credited service in excess of
 11 twenty-five years, provided, however that the pension payable pursuant
 12 to such section shall not exceed three-quarters of such member's final
 13 average salary.

14 § 3. All past service costs associated with implementing the
 15 provisions of this act shall be borne by the county that makes the
 16 election provided for in subdivision j of section 89-p of the retirement
 17 and social security law.

18 § 4. Notwithstanding any other provision of law to the contrary, none
 19 of the provisions of this act shall be subject to the appropriation
 20 requirement of section 25 of the retirement and social security law.

21 § 5. This act shall take effect immediately and shall apply to all
 22 qualified members pursuant to sections one and two of this act who
 23 retire on or after such date.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would modify the service retirement benefit for members of the New York State and Local Employees' Retirement System (NYSLERS) covered by the provisions of Retirement and Social Security Law section 89-p. The modified service retirement benefit will be one-half of final average salary (FAS) upon completion of twenty-five years of creditable service with additional sixtieths for each year of creditable service in excess of twenty-five years but not more than fifteen such years. The current service retirement benefit is one-half of FAS upon completion of twenty-five years of creditable service.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately \$5.0 million in the annual contributions of the affected counties for the fiscal year ending March 31, 2026. In future years this cost will vary but is expected to average 1.2% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost (PSC) of approximately \$44.8 million which will be shared by the affected counties and will be borne as a one-time payment. This estimate assumes that payment will be made on February 1, 2026.

Detailed costs with a breakdown by affected counties are as follows:

County Name	Employer Location Code	Past Service Cost (one-time)	Future Annual Cost (ongoing)
ALLEGANY COUNTY	10002	\$ 1,023,000	\$ 70,000
CATTARAUGUS COUNTY	10004	511,000	71,000
CAYUGA COUNTY	10005	927,000	89,000
CHAUTAUQUA COUNTY	10006	757,000	90,000
CHEMUNG COUNTY	10007	1,029,000	81,000
CHENANGO COUNTY	10008	363,000	72,000
CLINTON COUNTY	10009	626,000	70,000
COLUMBIA COUNTY	10010	380,000	53,000

CORTLAND COUNTY	10011	503,000	51,000
DELAWARE COUNTY	10012	337,000	53,000
DUTCHESS COUNTY	10013	3,095,000	318,000
ERIE COUNTY	10014	6,857,000	692,000
ESSEX COUNTY	10015	459,000	62,000
FULTON COUNTY	10017	393,000	94,000
GENESEE COUNTY	10018	377,000	67,000
HERKIMER COUNTY	10021	335,000	47,000
LEWIS COUNTY	10023	199,000	33,000
LIVINGSTON COUNTY	10024	635,000	75,000
MADISON COUNTY	10025	381,000	67,000
MONROE COUNTY	10026	8,000	7,000
MONTGOMERY COUNTY	10027	624,000	57,000
NIAGARA COUNTY	10029	1,338,000	160,000
ONEIDA COUNTY	10030	3,299,000	280,000
ONTARIO COUNTY	10032	1,241,000	155,000
ORANGE COUNTY	10033	4,859,000	457,000
OSWEGO COUNTY	10035	646,000	113,000
OTSEGO COUNTY	10036	337,000	48,000
PUTNAM COUNTY	10037	775,000	69,000
RENSSELAER COUNTY	10038	1,138,000	152,000
ROCKLAND COUNTY	10039	1,318,000	213,000
SARATOGA COUNTY	10041	901,000	120,000
SCHENECTADY COUNTY	10042	2,175,000	193,000
SCHOHARIE COUNTY	10043	431,000	38,000
SCHUYLER COUNTY	10044	244,000	31,000
SENECA COUNTY	10045	438,000	44,000
SULLIVAN COUNTY	10048	1,013,000	121,000
TIOGA COUNTY	10049	359,000	45,000
TOMPKINS COUNTY	10050	275,000	49,000
ULSTER COUNTY	10051	2,056,000	175,000
WARREN COUNTY	10052	748,000	101,000
WAYNE COUNTY	10054	846,000	102,000
WYOMING COUNTY	10056	213,000	45,000
YATES COUNTY	10057	\$ 359,000	\$ 44,000
TOTAL	All	\$44,000,000	\$5,000,000

Further, we anticipate some administrative costs to implement the provisions of this legislation.

These estimated costs are based on 4,728 affected members of NYSLERS employed by certain counties and having a total annual salary base of approximately \$402 million, estimated as of March 31, 2025.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The Market Assets and GASB Disclosures are found in the March 31, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated January 23, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-5. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.