

# STATE OF NEW YORK

3608

2025-2026 Regular Sessions

## IN SENATE

January 29, 2025

Introduced by Sen. HELMING -- 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 the retirement of county 911 operators

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 section 89-y to read as follows:

3 § 89-y. Optional twenty-five year retirement plan for county police  
4 communications operators, police communications operator supervisors,  
5 assistant bureau directors (police 911 communications) and bureau direc-  
6 tors (police 911 communications). a. Any member who is a county police  
7 communications operator, police communications operator supervisor,  
8 assistant bureau director (police 911 communications) or bureau director  
9 (police 911 communications) in an electing county, shall be eligible to  
10 retire pursuant to the provisions of this section. Such eligibility  
11 shall be an alternative to the eligibility provisions available under  
12 any other plan of this article to which such member is subject. The  
13 comptroller shall have the authority to include positions herein that  
14 comprehend the same duties and responsibilities, but are named differ-  
15 ently.

16 b. Such member shall be entitled to retire upon the completion of  
17 twenty-five years of total creditable service by filing an application  
18 therefor in the manner provided for in section seventy of this article.

19 c. Upon completion of twenty-five years of such service and upon  
20 retirement, each such member shall receive a pension which, together  
21 with an annuity which shall be the actuarial equivalent of such member's  
22 accumulated contributions at the time of retirement and an additional  
23 pension which is the actuarial equivalent of the reserved-for-in-  
24 creased-take-home-pay to which such member may then be entitled shall be

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

LBD01079-03-5

1 sufficient to provide such member with a retirement allowance equal to  
2 one-half of their final average salary.

3 d. As used in this section "creditable service" shall include any and  
4 all services performed as a county police communications operator,  
5 police communications operator supervisor, assistant bureau director  
6 (police 911 communications) and bureau director (police 911 communi-  
7 cations).

8 e. Credit for service as a member or officer of the state police or as  
9 a paid firefighter, police officer or officer of any organized fire  
10 department or police force or department of any county, city, village,  
11 town, fire district or police district, or as a criminal investigator in  
12 the office of a district attorney, or as a probation assistant in a  
13 county probation department, shall also be deemed to be creditable  
14 service and shall be included in computing years of total service for  
15 retirement pursuant to this section.

16 f. The chief executive officer in each county shall certify to the  
17 comptroller, periodically and at such intervals of time as may be  
18 required and in such fashion as may be prescribed, the identity of the  
19 eligible police communications operators, police communications operator  
20 supervisors, assistant bureau directors (police 911 communications) and  
21 bureau directors (police 911 communications) in such chief executive  
22 officer's employ.

23 g. A member contributing on the basis of this section at the time of  
24 retirement shall retire after the completion of twenty-five years of  
25 total creditable service. Application therefor may be filed in a manner  
26 similar to that provided in section seventy of this article. Upon  
27 completion of twenty-five years of such service and upon retirement,  
28 each such member shall receive a pension which, together with an annuity  
29 which shall be the actuarial equivalent of their accumulated contrib-  
30 utions at the time of retirement and an additional pension which is the  
31 actuarial equivalent of the reserved-for-increased-take-home-pay to  
32 which such member may then be entitled, shall be sufficient to provide  
33 such member with a retirement allowance equal to one-half of their final  
34 average salary.

35 h. In computing the twenty-five years of total service of a member  
36 pursuant to this section full credit shall be given and full allowance  
37 shall be made for service of such member in time of war after World War  
38 I as defined in section two of this chapter, provided such member at the  
39 time of their entrance into the armed forces was in the service of the  
40 county of their employer that makes the election provided for herein.

41 i. Nothing herein shall be construed to prevent a member, who does not  
42 retire pursuant to the provisions of this section, from utilizing  
43 service which is creditable service pursuant to the provisions of this  
44 section for service credit pursuant to the provisions of any other plan  
45 of this article to which such member is subject.

46 j. 1. Each county that elects pursuant to the provisions of this  
47 subdivision shall pay the cost attributable therefor.

48 2. The benefits of this section shall be available only to those  
49 members defined in subdivision a of this section whose employer elects  
50 to provide such benefits by adopting a resolution to such effect and  
51 filing a certified copy thereof with the comptroller. Such resolution  
52 shall be accompanied by the affidavit of the chief executive officer of  
53 the county that the county has received an estimate from the retirement  
54 system of the cost of the benefit provided by this section.

55 k. The provisions of this section shall be controlling notwithstanding  
56 any other provision in this article to the contrary.

1 § 2. Subdivision a of section 445 of the retirement and social securi-  
2 ty law, as amended by chapter 714 of the laws of 2023, is amended to  
3 read as follows:

4 a. No member of a retirement system who is subject to the provisions  
5 of this article shall retire without regard to age, exclusive of retire-  
6 ment for disability, unless [~~he or she~~] such member is a police officer,  
7 an investigator member of the New York city employees' retirement  
8 system, firefighter, correction officer, a qualifying member as defined  
9 in section eighty-nine-t, as added by chapter six hundred fifty-seven of  
10 the laws of nineteen hundred ninety-eight, of this chapter, sanitation  
11 worker, a special officer (including persons employed by the city of New  
12 York in the title urban park ranger or associate urban park ranger),  
13 school safety agent, campus peace officer or a taxi and limousine  
14 commission inspector member of the New York city employees' retirement  
15 system or the New York city board of education retirement system, a  
16 dispatcher member of the New York city employees' retirement system, a  
17 police communications member of the New York city employees' retirement  
18 system, an EMT member of the New York city employees' retirement system,  
19 a deputy sheriff member of the New York city employees' retirement  
20 system, a correction officer of the Westchester county correction  
21 department as defined in section eighty-nine-e of this chapter or  
22 employed in Suffolk county as a peace officer, as defined in section  
23 eighty-nine-s, as added by chapter five hundred eighty-eight of the laws  
24 of nineteen hundred ninety-seven, of this chapter, employed in Suffolk  
25 county as a correction officer, as defined in section eighty-nine-f of  
26 this chapter, or employed in Nassau county as a correction officer,  
27 uniformed correction division personnel, sheriff, undersheriff or deputy  
28 sheriff, as defined in section eighty-nine-g of this chapter, or  
29 employed in Nassau county as an ambulance medical technician, an ambu-  
30 lance medical technician/supervisor or a member who performs ambulance  
31 medical technician related services, or a police medic, police medic  
32 supervisor or a member who performs police medic related services, as  
33 defined in section eighty-nine-s, as amended by chapter five hundred  
34 seventy-eight of the laws of nineteen hundred ninety-eight, of this  
35 chapter, or employed in Nassau county as a peace officer, as defined in  
36 section eighty-nine-s, as added by chapter five hundred ninety-five of  
37 the laws of nineteen hundred ninety-seven, of this chapter, or employed  
38 in Albany county as a sheriff, undersheriff, deputy sheriff, correction  
39 officer or identification officer, as defined in section eighty-nine-h  
40 of this chapter or is employed in St. Lawrence county as a sheriff,  
41 undersheriff, deputy sheriff or correction officer, as defined in  
42 section eighty-nine-i of this chapter or is employed in Orleans county  
43 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
44 defined in section eighty-nine-l of this chapter or is employed in  
45 Jefferson county as a sheriff, undersheriff, deputy sheriff or  
46 correction officer, as defined in section eighty-nine-j of this chapter  
47 or is employed in Onondaga county as a deputy sheriff-jail division  
48 competitively appointed or as a correction officer, as defined in  
49 section eighty-nine-k of this chapter or is employed in a county which  
50 makes an election under subdivision j of section eighty-nine-p of this  
51 chapter as a sheriff, undersheriff, deputy sheriff or correction officer  
52 as defined in such section eighty-nine-p or is employed in Broome County  
53 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
54 defined in section eighty-nine-m of this chapter or is a Monroe county  
55 deputy sheriff-court security, or deputy sheriff-jailor as defined in  
56 section eighty-nine-n, as added by chapter five hundred ninety-seven of

1 the laws of nineteen hundred ninety-one, of this chapter or is employed  
2 in Greene county as a sheriff, undersheriff, deputy sheriff or  
3 correction officer, as defined in section eighty-nine-o of this chapter  
4 or is a traffic officer with the town of Elmira as defined in section  
5 eighty-nine-q of this chapter or is employed by Suffolk county as a park  
6 police officer, as defined in section eighty-nine-r of this chapter or  
7 is a peace officer employed by a county probation department as defined  
8 in section eighty-nine-t, as added by chapter six hundred three of the  
9 laws of nineteen hundred ninety-eight, of this chapter or is employed in  
10 Rockland county as a deputy sheriff-civil as defined in section eighty-  
11 nine-v of this chapter as added by chapter four hundred forty-one of the  
12 laws of two thousand one, or is employed in Rockland county as a superi-  
13 or correction officer as defined in section eighty-nine-v of this chap-  
14 ter as added by chapter five hundred fifty-six of the laws of two thou-  
15 sand one or is a paramedic employed by the police department in the town  
16 of Tonawanda and retires under the provisions of section eighty-nine-v  
17 of this chapter, as added by chapter four hundred seventy-two of the  
18 laws of two thousand one, or is a county fire marshal, supervising fire  
19 marshal, fire marshal, assistant fire marshal, assistant chief fire  
20 marshal, chief fire marshal, division supervising fire marshal or fire  
21 marshal trainee employed by the county of Nassau as defined in section  
22 eighty-nine-w of this chapter or is employed in Monroe county as a depu-  
23 ty sheriff-civil as defined in section eighty-nine-x of this chapter,  
24 employed as an emergency medical technician, critical care technician,  
25 advanced emergency medical technician, paramedic or supervisor of such  
26 titles in a participating Suffolk county fire district as defined in  
27 section eighty-nine-ss of this chapter, or is a county police communi-  
28 cations operator, police communications operator supervisor, assistant  
29 bureau director (police 911 communications) and bureau director (police  
30 911 communications) and is in a plan which permits immediate retirement  
31 upon completion of a specified period of service without regard to age.  
32 Except as provided in subdivision c of section four hundred forty-five-a  
33 of this article, subdivision c of section four hundred forty-five-b of  
34 this article, subdivision c of section four hundred forty-five-c of this  
35 article, subdivision c of section four hundred forty-five-d of this  
36 article, subdivision c of section four hundred forty-five-e of this  
37 article, subdivision c of section four hundred forty-five-f of this  
38 article and subdivision c of section four hundred forty-five-h of this  
39 article, a member in such a plan and such an occupation, other than a  
40 police officer or investigator member of the New York city employees'  
41 retirement system or a firefighter, shall not be permitted to retire  
42 prior to the completion of twenty-five years of credited service;  
43 provided, however, if such a member in such an occupation is in a plan  
44 which permits retirement upon completion of twenty years of service  
45 regardless of age, [~~he or she~~] such member may retire upon completion of  
46 twenty years of credited service and prior to the completion of twenty-  
47 five years of service, but in such event the benefit provided from funds  
48 other than those based on such a member's own contributions shall not  
49 exceed two per centum of final average salary per each year of credited  
50 service.

51 § 3. Section 603 of the retirement and social security law is amended  
52 by adding a new subdivision w to read as follows:

53 w. The service retirement benefit specified in section six hundred  
54 four of this article shall be payable to members with twenty-five years  
55 of creditable service, without regard to age, who are employed as a  
56 county police communications operator, police communications operator

1 supervisor, assistant bureau director (police 911 communications) and  
2 bureau director (police 911 communications) as defined in section eight-  
3 y-nine-y of this chapter if: (i) such members have met the minimum  
4 service requirements upon retirement, and (ii) in the case of a member  
5 subject to the provisions of article fourteen of this chapter, such  
6 member files an election therefor which provides that they will be  
7 subject to the provisions of this article and to none of the provisions  
8 of such article fourteen. Such election, which shall be irrevocable,  
9 shall be in writing, duly executed and shall be filed with the comp-  
10 troller within one year of the effective date of this subdivision or  
11 within one year after entering the employment with such county upon  
12 which eligibility is based, whichever comes later. For the purposes of  
13 this subdivision, the term "creditable service" shall have the meaning  
14 as so defined in both sections eighty-nine-y and six hundred one of this  
15 chapter.

16 § 4. Section 604 of the retirement and social security law is amended  
17 by adding a new subdivision w to read as follows:

18 w. The early service retirement benefit for a member who is employed  
19 as a county police communications operator, police communications opera-  
20 tor supervisor, assistant bureau director (police 911 communications)  
21 and bureau director (police 911 communications) as defined in section  
22 eighty-nine-y of this chapter shall be a pension equal to one-fiftieth  
23 of final average salary times years of credited service at the  
24 completion of twenty-five years of service as such police communications  
25 operator, police communications operator supervisor, assistant bureau  
26 director (police 911 communications) and bureau director (police 911  
27 communications), but not exceeding one-half of their final average sala-  
28 ry; for service beyond twenty-five years the benefits shall increase by  
29 one-sixtieth of final average salary for each year of additional service  
30 credit provided, however, that the total allowance payable pursuant to  
31 this section shall not exceed three-fourths of such member's final aver-  
32 age salary.

33 § 5. All past service costs incurred with implementing the provisions  
34 of this act shall be borne by any county that elects to provide the  
35 benefits provided by this act.

36 § 6. This act shall take effect January 1, 2026.

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

This bill would permit counties that participate in the New York State and Local Employees' Retirement System to elect to provide members employed in the title of police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) or bureau director (police 911 communications) the option to retire upon completion of twenty-five years of creditable service with a benefit of one-half of final average salary (FAS) and for Tiers 3 through 6 an additional benefit of one-sixtieth of FAS for each year of creditable service in excess of twenty-five years, not to exceed fifteen years. Additionally, members covered under Article 14 would be permitted one year to make an irrevocable election to switch to the twenty-five-year plan benefit.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase in the annual contributions of an electing county of approximately 6% of salary paid to eligible members for the fiscal year ending March 31, 2026. In future years this cost will vary as the billing rates and salary of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately 17% of salary paid to eligible members which will be borne by the electing county as a one-time payment.

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

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined. Prior to electing to provide these benefits, a county would be required to submit a roster of eligible members to the New York State and Local Retirement System. This roster would be used to determine an exact cost to the electing county.

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 22, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-3. 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.