

STATE OF NEW YORK

3608--A

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

Introduced by Sens. HELMING, ORTT, C. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 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-z to read as follows:

3 § 89-z. 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

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

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1 accumulated contributions at the time of retirement and an additional
2 pension which is the actuarial equivalent of the reserved-for-in-
3 creased-take-home-pay to which such member may then be entitled shall be
4 sufficient to provide such member with a retirement allowance equal to
5 one-half of their final average salary.

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

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

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

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

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

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

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

51 2. The benefits of this section shall be available only to those
52 members defined in subdivision a of this section whose employer elects
53 to provide such benefits by adopting a resolution to such effect and
54 filing a certified copy thereof with the comptroller. Such resolution
55 shall be accompanied by the affidavit of the chief executive officer of

1 the county that the county has received an estimate from the retirement
2 system of the cost of the benefit provided by this section.

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

5 § 2. Subdivision a of section 445 of the retirement and social securi-
6 ty law, as amended by section 2 of part TT of chapter 55 of the laws of
7 2025, is amended to read as follows:

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

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

1 exceed two per centum of final average salary per each year of credited
2 service.

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

5 x. The service retirement benefit specified in section six hundred
6 four of this article shall be payable to members with twenty-five years
7 of creditable service, without regard to age, who are employed as a
8 county police communications operator, police communications operator
9 supervisor, assistant bureau director (police 911 communications) and
10 bureau director (police 911 communications) as defined in section eight-
11 y-nine-z of this chapter if: (i) such members have met the minimum
12 service requirements upon retirement; and (ii) in the case of a member
13 subject to the provisions of article fourteen of this chapter, such
14 member files an election therefor which provides that they will be
15 subject to the provisions of this article and to none of the provisions
16 of such article fourteen. Such election, which shall be irrevocable,
17 shall be in writing, duly executed and shall be filed with the comp-
18 troller within one year of the effective date of this subdivision or
19 within one year after entering the employment with such county upon
20 which eligibility is based, whichever comes later. For the purposes of
21 this subdivision, the term "creditable service" shall have the meaning
22 as so defined in both sections eighty-nine-z and six hundred one of this
23 chapter.

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

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

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

44 § 6. This act shall take effect the first of January next succeeding
45 the date on which it shall have become a law.

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

This bill would allow counties to elect to provide police communi-
cations operators and similar titles, the option to retire with twenty-
five years of service credit. The benefit would be one-half of final
average salary (FAS) plus, for Tiers 3 through 6 only, one-sixtieth of
FAS for each additional year of creditable service, not to exceed three-
fourths (75%) of FAS. 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.

We estimate that the annual contribution required of an electing
employer will increase by 7% of the salary paid to the affected members.

Annual costs will vary as the billing rates and salary of the affected members change.

In addition, there will be an immediate past service cost borne by each electing employer as a one-time payment. This cost will vary by employer but is expected to average approximately 30% of the salary paid to the affected members.

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, an employer 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 individual employer electing to provide these benefits.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

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

This estimate, dated February 11, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-56. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), 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. I am a member of NYSLRS but do not believe it impairs my objectivity.