STATE OF NEW YORK

5761--A

2025-2026 Regular Sessions

IN SENATE

February 28, 2025

Introduced by Sens. JACKSON, MAYER -- 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 correction officers of the Westchester county correction department

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

Section 1. Subdivisions c, f and g of section 89-e of the retirement and social security law, as added by chapter 520 of the laws of 1988, are amended to read as follows:

c. **(1)** Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of [~~his~~] **such member's** accumulated contributions at the time of [~~his~~] **such member's** retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which [~~he~~] **such member** may then be entitled shall be sufficient to provide [~~him~~] **such member** with a retirement allowance equal to one-half of [~~his~~] **such member's** final average salary.

(2) Upon completion of thirty years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of such member's accumulated contributions at the time of such member's retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which such member may then be entitled shall be sufficient to provide such member with a retirement allowance equal to sixty percent of such member's final average salary.

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

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f. A member contributing on the basis of this section at the time of retirement, shall retire after the completion of twenty-five years **or thirty years** of total creditable service. Application therefor may be filed in a manner similar to that provided in section seventy of this article. Upon completion of twenty-five years **or thirty years** of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of [~~his~~] **such member's** accumulated contributions at the time of [~~his~~] **such member's** retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which [~~he~~] **such member** may then be entitled shall be sufficient to provide [~~him~~] **such member** with a retirement allowance equal to one-half of [~~his~~] **such member's** final average salary **for a member retiring after the completion of twenty-five years, or a retirement allowance equal to sixty percent of such member's final average salary for a member retiring after the completion of thirty years**.

g. In computing the twenty-five years **or thirty years** of total service of a member pursuant to this section full credit shall be given and full allowance shall be made for service of such member in time of war after World War I as defined in section two of this chapter, provided such member at the time of [~~his~~] **such member's** entrance into the armed forces was in the service of the county of Westchester.

§ 2. Subdivision c of section 604 of the retirement and social security law, as added by chapter 520 of the laws of 1988, is amended to read as follows:

c. **(1)** The early service retirement benefit for a member who is a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service as such correction officer, but not exceeding one-half of [~~his or her~~] **such member's** final average salary.

(2) The early service retirement for a member who is employed in Westchester county as a correction officer as defined in section eighty-nine-e of this chapter shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of thirty years of service as such correction officer, but not exceeding sixty percent of such member's final average salary.

§ 3. All past service costs associated with implementing the provisions of this act shall be borne by the county of Westchester and may be amortized over a period of ten years.

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

§ 5. This act shall take effect immediately and shall apply to all members that 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 employed by the county of Westchester as correction officers. The modified service retirement benefit will be one-half of final average salary (FAS) upon completion of twenty-five years of creditable service and sixty percent of FAS upon completion of thirty years of creditable service. The current service retirement benefit is one-half of FAS upon completion of twenty-five years of creditable service.

We estimate that the county of Westchester's annual contributions will increase $670,000 beginning FYE 2027. Annual costs will vary but are expected to average 0.4% of salary.

In addition, there will be an immediate past service cost of $5.63 million borne by the county of Westchester as a one-time payment. This cost assumes that payment will be made on February 1, 2027. If the county of Westchester elects to amortize this cost over 10 years, the cost for each year will be $718,000.

These estimated costs are based on 847 affected members employed by the county of Westchester, with annual salary of approximately $131 million as of March 31, 2025.

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 January 9, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-16. 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.