

# STATE OF NEW YORK

8365

2017-2018 Regular Sessions

## IN ASSEMBLY

June 12, 2017

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York, in relation to the establishment of a twenty-five year retirement program for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors; and to amend the retirement and social security law, in relation to the establishment of twenty-five year retirement programs for such members who are subject to articles 11 and 15 of such law

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

1 Section 1. The administrative code of the city of New York is amended  
2 by adding a new section 13-157.5 to read as follows:

3 § 13-157.5 Twenty-five year retirement program for fire protection  
4 inspector members. a. Definitions. The following words and phrases as  
5 used in this section shall have the following meanings unless a differ-  
6 ent meaning is plainly required by the context.

7 1. "Fire protection inspector member" shall mean a member of the  
8 retirement system who is employed by the city of New York or by the New  
9 York city fire department in a title whose duties are those of a fire  
10 protection inspector or associate fire protection inspector, or in a  
11 title whose duties require the supervision of employees whose duties are  
12 those of a fire protection inspector or associate fire protection  
13 inspector.

14 2. "Twenty-five year retirement program" shall mean all the terms and  
15 conditions of this section.

16 3. "Starting date of the twenty-five year retirement program" shall  
17 mean the date of enactment of this section.

18 4. "Participant in the twenty-five year retirement program" shall mean  
19 any fire protection inspector member who, under the applicable  
20 provisions of subdivision b of this section, is entitled to the rights,

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

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1 benefits and privileges and is subject to the obligations of the twenty-  
2 five year retirement program as applicable to him or her.

3 5. "Discontinued member" shall mean a participant in the twenty-five  
4 year retirement program who, while he or she was a fire protection  
5 inspector member, discontinued service as such a member and has a right  
6 to a deferred vested benefit under the provisions of subdivision d of  
7 this section.

8 6. "Allowable service as a fire protection inspector member" shall  
9 mean (i) all service while employed by the city of New York or by the  
10 New York city fire department in a title whose duties are those of a  
11 fire protection inspector or associate fire protection inspector, and  
12 (ii) with respect to an individual who was employed upon the effective  
13 date of this section or thereafter in a title whose duties are those of  
14 a fire protection inspector or associate fire protection inspector, all  
15 such service subsequent thereto in a title whose duties require the  
16 supervision of employees whose duties are those of a fire protection  
17 inspector or associate fire protection inspector in the New York city  
18 fire department.

19 b. Participation in the twenty-five year retirement program. 1.  
20 Subject to the provisions of paragraphs five and six of this subdivi-  
21 sion, any person who is a fire protection inspector member on the start-  
22 ing date of the twenty-five year retirement program may elect to become  
23 a participant in the twenty-five year retirement program by filing,  
24 within one hundred eighty days after the starting date of the twenty-  
25 five year retirement program, a duly executed application for such  
26 participation with the retirement system of which such person is a  
27 member, provided he or she is such a fire protection inspector member on  
28 the date such application is filed.

29 2. Subject to the provisions of paragraphs five and six of this subdivi-  
30 vision, any person who becomes a fire protection inspector member after  
31 the starting date of the twenty-five year retirement program may elect  
32 to become a participant in the twenty-five year retirement program by  
33 filing, within one hundred eighty days after becoming such a fire  
34 protection inspector member, a duly executed application for such  
35 participation with the retirement system of which such person is a  
36 member, provided he or she is such a fire protection inspector member on  
37 the date such application is filed.

38 3. Any election to be a participant in the twenty-five year retirement  
39 program shall be irrevocable.

40 4. Where any participant in the twenty-five year retirement program  
41 shall cease to be employed as a fire protection inspector member, he or  
42 she shall cease to be such a participant and, during any period in which  
43 such person is not so employed, he or she shall not be a participant in  
44 the twenty-five year retirement program and shall not be eligible for  
45 the benefits of subdivision c of this section.

46 5. Where any participant in the twenty-five year retirement program  
47 terminates service as a fire protection inspector member and returns to  
48 such service as a fire protection inspector at a later date, he or she  
49 shall again become such a participant on that date.

50 6. Notwithstanding any other provision of law to the contrary, any  
51 person who is eligible to become a participant in the twenty-five year  
52 retirement program pursuant to paragraph one or two of this subdivision  
53 for the full one hundred eighty day period provided for in such applica-  
54 ble paragraph and who fails to timely file a duly executed application  
55 for such participation with the retirement system, shall not thereafter  
56 be eligible to become a participant in such program.

1 c. Service retirement benefits. 1. A participant in the twenty-five  
2 year retirement program:

3 (i) who has completed twenty-five or more years of allowable service  
4 as a fire protection inspector member; and

5 (ii) who files with the retirement system an application for service  
6 retirement setting forth at what time, not less than thirty days subse-  
7 quent to the execution and filing thereof, he or she desires to be  
8 retired; and

9 (iii) who shall be a participant in the twenty-five year retirement  
10 program at the time so specified for his or her retirement; shall be  
11 retired pursuant to the provisions of this section affording early  
12 service retirement.

13 2. Notwithstanding any other provision of law to the contrary, the  
14 early service retirement benefit for a participant in the twenty-five  
15 year retirement program who retires pursuant to paragraph one of this  
16 subdivision shall be a retirement allowance consisting of:

17 (i) an amount, on account of the required minimum period of service,  
18 equal to the sums of (a) an annuity which shall be the actuarial equiv-  
19 alent of the accumulated deductions from his or her pay during such  
20 period, (b) a pension for increased-take-home-pay which shall be the  
21 actuarial equivalent of the reserve for increased-take-home-pay to which  
22 he or she may be entitled for such period, and (c) a pension which, when  
23 added to such annuity and such pension for increased-take-home-pay,  
24 produces a retirement allowance equal to fifty-five percent of the sala-  
25 ry earned or earnable in the year prior to his or her retirement; plus

26 (ii) an amount for each additional year of allowable service as a fire  
27 protection inspector member, or fraction thereof, beyond such required  
28 minimum period of service equal to one and seven-tenths percent of the  
29 salary earned or earnable in the year prior to his or her retirement for  
30 such allowable service during the period from the completion of twenty-  
31 five years of allowable service as a fire protection inspector member to  
32 the date of retirement.

33 d. Vesting. 1. A participant in the twenty-five year retirement  
34 program who: (i) discontinues service as a fire protection inspector  
35 member, other than by death or retirement; and (ii) prior to such  
36 discontinuance, completed five but less than twenty-five years of allow-  
37 able city service; and (iii) does not withdraw in whole or in part his  
38 or her accumulated member contributions pursuant to section 13-141 of  
39 this chapter, shall be entitled to receive a deferred vested benefit as  
40 provided in this subdivision.

41 2. (i) Upon such discontinuance under the conditions and in compliance  
42 with the provisions of paragraph one of this subdivision, such deferred  
43 vested benefit shall vest automatically.

44 (ii) Such vested benefit shall become payable on the earliest date on  
45 which such discontinued member could have retired for service if such  
46 discontinuance had not occurred.

47 3. Such deferred vested benefit shall be a retirement allowance  
48 consisting of an amount equal to two and two-tenths percent of such  
49 discontinued member's salary earned or earnable in the year prior to his  
50 or her discontinuance, multiplied by the number of years of allowable  
51 service as a fire protection member.

52 e. Member contributions. All fire protection inspector members of the  
53 twenty-five year retirement program shall be required to make member  
54 contributions and additional member contributions in accordance with and  
55 subject to the same rights, privileges, obligations and procedures as  
56 govern the member contributions and additional member contributions

1 required by subdivision d of section four hundred forty-five-j of the  
2 retirement and social security law.

3 For the purpose of applying under this subdivision, such subdivision d  
4 of section four hundred forty-five-j of the retirement and social secu-  
5 rity law to a fire protection inspector member of the twenty-five year  
6 retirement program who is subject to the provisions of this section, and  
7 is not subject to the provisions of article eleven of the retirement and  
8 social security law, the term "credited service," as used in such subdi-  
9 vision, shall be deemed to mean allowable service as a fire protection  
10 inspector member.

11 § 2. Subdivision a of section 444 of the retirement and social securi-  
12 ty law, as amended by section 141 of subpart B of part C of chapter 62  
13 of the laws of 2011, is amended to read as follows:

14 a. Except as provided in subdivision c of section four hundred forty-  
15 five-a of this article, subdivision c of section four hundred forty-  
16 five-b of this article, subdivision c of section four hundred forty-  
17 five-c of this article, subdivision c of section four hundred  
18 forty-five-d of this article as added by chapter four hundred seventy-  
19 two of the laws of nineteen hundred ninety-five, subdivision c of  
20 section four hundred forty-five-e of this article, subdivision c of  
21 section four hundred forty-five-f of this article [~~and~~], subdivision c  
22 of section four hundred forty-five-h of this article and subdivision c  
23 of section four hundred forty-five-j, the maximum retirement benefit  
24 computed without optional modification provided to a member of a retire-  
25 ment system who is subject to the provisions of this article, other than  
26 a police officer, a firefighter, an investigator member of the New York  
27 city employees' retirement system, a member of the uniformed personnel  
28 in institutions under the jurisdiction of the New York city department  
29 of correction who receives a performance of duty disability retirement  
30 allowance, a member of the uniformed personnel in institutions under the  
31 jurisdiction of the department of corrections and community supervision  
32 or a security hospital treatment assistant, as those terms are defined  
33 in subdivision i of section eighty-nine of this chapter, who receives a  
34 performance of duty disability retirement allowance, a member of a  
35 teachers' retirement system, New York city employees' retirement system,  
36 New York city board of education retirement system or a member of the  
37 New York state and local employees' retirement system or a member of the  
38 New York city employees' retirement system or New York city board of  
39 education retirement system employed as a special officer, parking  
40 control specialist, school safety agent, campus peace officer, taxi and  
41 limousine inspector or a police communications member and who receives a  
42 performance of duty disability pension, from funds other than those  
43 based on a member's own or increased-take-home-pay contributions, shall,  
44 before any reduction for early retirement, be sixty per centum of the  
45 first fifteen thousand three hundred dollars of final average salary,  
46 and fifty per centum of final average salary in excess of fifteen thou-  
47 sand three hundred dollars, and forty per centum of final average salary  
48 in excess of twenty-seven thousand three hundred dollars, provided,  
49 however, that the benefits provided by subdivision c of section four  
50 hundred forty-five-d of this article as added by chapter four hundred  
51 seventy-two of the laws of nineteen hundred ninety-five based upon the  
52 additional member contributions required by subdivision d of such  
53 section four hundred forty-five-d shall be subject to the maximum  
54 retirement benefit computations set forth in this section. The maximum  
55 retirement benefit computed without optional modification payable to a  
56 police officer, an investigator member of the New York city employees'

1 retirement system or a firefighter shall equal that payable upon  
2 completion of thirty years of service, except that the maximum service  
3 retirement benefit computed without optional modification shall equal  
4 that payable upon completion of thirty-two years of service.

5 § 3. Subdivision a of section 445 of the retirement and social securi-  
6 ty law, as amended by chapter 295 of the laws of 2007, is amended to  
7 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 he or she is a policeman, an investigator  
11 member of the New York city employees' retirement system, fireman,  
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 man, 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 fire protection  
24 inspector member of the New York city employees' retirement system, a  
25 correction officer of the Westchester county correction department as  
26 defined in section eighty-nine-e of this chapter or employed in Suffolk  
27 county as a peace officer, as defined in section eighty-nine-s, as added  
28 by chapter five hundred eighty-eight of the laws of nineteen hundred  
29 ninety-seven, of this chapter, employed in Suffolk county as a  
30 correction officer, as defined in section eighty-nine-f of this chapter,  
31 or employed in Nassau county as a correction officer, uniformed  
32 correction division personnel, sheriff, undersheriff or deputy sheriff,  
33 as defined in section eighty-nine-g of this chapter, or employed in  
34 Nassau county as an ambulance medical technician, an ambulance medical  
35 technician/supervisor or a member who performs ambulance medical techni-  
36 cian 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 or chief fire marshal employed by the county of Nassau as  
24 defined in section eighty-nine-w of this chapter and is in a plan which  
25 permits immediate retirement upon completion of a specified period of  
26 service without regard to age. Except as provided in subdivision c of  
27 section four hundred forty-five-a of this article, subdivision c of  
28 section four hundred forty-five-b of this article, subdivision c of  
29 section four hundred forty-five-c of this article, subdivision c of  
30 section four hundred forty-five-d of this article, subdivision c of  
31 section four hundred forty-five-e of this article, subdivision c of  
32 section four hundred forty-five-f of this article ~~and~~, subdivision c  
33 of section four hundred forty-five-h of this article, and subdivision c  
34 of section four hundred forty-five-j of this article, a member in such a  
35 plan and such an occupation, other than a policeman or investigator  
36 member of the New York city employees' retirement system or a fireman,  
37 shall not be permitted to retire prior to the completion of twenty-five  
38 years of credited service; provided, however, if such a member in such  
39 an occupation is in a plan which permits retirement upon completion of  
40 twenty years of service regardless of age, he or she may retire upon  
41 completion of twenty years of credited service and prior to the  
42 completion of twenty-five years of service, but in such event the bene-  
43 fit provided from funds other than those based on such a member's own  
44 contributions shall not exceed two per centum of final average salary  
45 per each year of credited service.

46 § 4. The retirement and social security law is amended by adding a new  
47 section 445-j to read as follows:

48 § 445-j. Optional twenty-five year improved benefit retirement program  
49 for fire protection inspector members. a. Definitions. The following  
50 words and phrases as used in this section shall have the following mean-  
51 ings unless a different meaning is plainly required by the context.

52 1. "Retirement system" shall mean the New York city employees' retire-  
53 ment system.

54 2. "Fire protection inspector member" shall mean (i) a member of the  
55 retirement system who is subject to the provisions of this article, who  
56 is employed by the city of New York or by the New York city fire depart-

1 ment in a title whose duties are those of a fire protection inspector or  
2 associate fire protection inspector; and (ii) a member of the retirement  
3 system who, on the date this act shall take effect or thereafter, was  
4 employed by the city of New York or by the New York city fire department  
5 in a title whose duties are those of a fire protection inspector or  
6 associate fire protection inspector and who, subsequent thereto, became  
7 employed by the city of New York or by the New York city fire department  
8 in a title whose duties require the supervision of employees whose  
9 duties are those of a fire protection inspector or associate fire  
10 protection inspector.

11 3. "Twenty-five year improved benefit retirement program" shall mean  
12 all the terms and conditions of this section.

13 4. "Starting date of the twenty-five year improved benefit retirement  
14 program" shall mean the date of enactment of the act which added this  
15 section, as such date is certified pursuant to section forty-one of the  
16 legislative law.

17 5. "Participant in the twenty-five year improved benefit retirement  
18 program" shall mean any fire protection inspector member who, under the  
19 applicable provisions of subdivision b of this section, is entitled to  
20 the rights, benefits and privileges and is subject to the obligations of  
21 the twenty-five year improved benefit retirement program, as applicable  
22 to him or her.

23 6. "Administrative code" shall mean the administrative code of the  
24 city of New York.

25 7. "Accumulated deductions" shall mean accumulated deductions as  
26 defined in subdivision eleven of section 13-101 of the administrative  
27 code.

28 8. "Optional retirement provisions" shall mean the right to retire and  
29 receive a retirement allowance under this section upon the completion of  
30 twenty-five years of allowable service.

31 9. "Allowable service" for purposes of this section shall mean (1) all  
32 service while employed by the city of New York or by the New York city  
33 fire department in a title whose duties are those of a fire protection  
34 inspector or associate fire protection inspector, and (2) with respect  
35 to an individual who was employed upon the effective date of this  
36 section or thereafter in a title whose duties are those of a fire  
37 protection inspector or associate fire protection inspector, all such  
38 service subsequent thereto in a title whose duties require the super-  
39 vision of employees whose duties are those of a fire protection inspec-  
40 tor or associate fire protection inspector.

41 b. Election of twenty-five year improved benefit retirement program.

42 1. Subject to the provisions of paragraph five and six of this subdivi-  
43 sion, any person who is a fire protection inspector member on the start-  
44 ing date of the twenty-five year improved benefit retirement program may  
45 elect to become a participant in the twenty-five year improved benefit  
46 retirement program by filing, within one hundred eighty days after such  
47 starting date, a duly executed application for such participation with  
48 the retirement system, provided that he or she is such a fire protection  
49 inspector member on the date such application is filed.

50 2. Subject to the provision of paragraphs five and six of this subdivi-  
51 sion, any person who becomes a fire protection inspector member after  
52 the starting date of the twenty-five year improved benefit retirement  
53 program may elect to become a participant in the twenty-five year  
54 improved benefit retirement program by filing, within one hundred eighty  
55 days after becoming such a fire protection inspector member, a duly  
56 executed application for such participation with the retirement system,

1 provided that he or she is such a fire protection inspector member on  
2 the date such application is filed.

3 3. Any election to be a participant in the twenty-five year improved  
4 benefit retirement program shall be irrevocable.

5 4. Where any participant in the twenty-five year improved benefit  
6 retirement program shall cease to hold a position as a fire protection  
7 inspector member, he or she shall cease to be such a participant and,  
8 during any period in which such a person does not hold such a fire  
9 protection inspector position, he or she shall not be a participant in  
10 the twenty-five year improved benefit retirement program and shall not  
11 be eligible for the benefits of subdivision c of this section.

12 5. Where any participant in the twenty-five year improved benefit  
13 retirement program terminates service as a fire protection inspector  
14 member and returns to such service as a fire protection inspector member  
15 at a later date, he or she shall again become such a participant on that  
16 date.

17 6. Notwithstanding any other provision of law to the contrary, any  
18 person who is eligible to become a participant in the twenty-five year  
19 improved benefit retirement program pursuant to paragraph one or two of  
20 this subdivision for the full one hundred eighty day period provided for  
21 in such applicable paragraph and who fails to timely file a duly  
22 executed application for such participation with the retirement system,  
23 shall not thereafter be eligible to become a participant in such  
24 program.

25 c. Service retirement benefits. Notwithstanding any other provision of  
26 law to the contrary, where a participant in the twenty-five year  
27 improved benefit retirement program, who is otherwise qualified for a  
28 retirement allowance pursuant to the optional retirement provision set  
29 forth in subdivision a of this section, has made and/or paid, while he  
30 or she is a fire protection inspector member, all additional member  
31 contributions and interest (if any) required by subdivision d of this  
32 section, then:

33 1. that participant, while he or she remains participant, shall not be  
34 subject to the provisions of subdivision a of section four hundred  
35 forty-five of this chapter; and

36 2. if that participant, while such a participant, retires for service,  
37 he or she shall not be subject to the provisions of section four hundred  
38 forty-four of this chapter; and

39 3. his or her retirement allowance shall be an amount, on account of  
40 the required minimum period of service, equal to the sum of (i) an annu-  
41 ity which shall be the actuarial equivalent of the accumulated  
42 deductions from his or her pay during such period, (ii) a pension for  
43 increased-take-home-pay which shall be the actuarial equivalent of the  
44 reserve for increased-take-home-pay to which he or she may be entitled,  
45 for such period, and (iii) a pension which, when added to such annuity  
46 and such pension for increased-take-home-pay, produces a retirement  
47 allowance equal to fifty percent of his or her final average salary,  
48 plus an amount for each additional year of allowable service as a fire  
49 protection inspector member, or fraction thereof, beyond such required  
50 minimum period of service equal to two percent of his or her final aver-  
51 age salary for such allowable service as a fire protection inspector  
52 member during the period from completion of twenty-five years of allow-  
53 able service as a fire protection inspector member to the date of  
54 retirement but not to exceed more than five years of additional service  
55 as a fire protection inspector member.

1 d. Additional member contributions. 1. In addition to the member  
2 contributions required pursuant to section 13-125 or 13-162 of the  
3 administrative code of the city of New York, each participant in the  
4 twenty-five year improved benefit retirement program shall contribute,  
5 subject to the applicable provisions of section 13-125.2 of the adminis-  
6 trative code of the city of New York, an additional six percent of his  
7 or her compensation earned from allowable service as a fire protection  
8 inspector member, as a participant in the twenty-five year improved  
9 benefit retirement program, rendered on and after the starting date of  
10 the improved benefit retirement program, and all allowable service as a  
11 fire protection inspector member after such person ceases to be a  
12 participant, but before he or she again becomes a participant pursuant  
13 to paragraph five of subdivision b of this section. A participant in  
14 the twenty-five year improved benefit retirement program shall contrib-  
15 ute additional member contributions until the later of the date as of  
16 which he or she is eligible to retire with thirty years of allowable  
17 service as a fire protection inspector member under such retirement  
18 program, or the first anniversary of the starting date of the twenty-  
19 five year improved benefit retirement program. The additional contrib-  
20 utions required by this section shall be in lieu of additional member  
21 contributions required by subdivision d of section four hundred forty-  
22 five-d of this chapter, as added by chapter ninety-six of the laws of  
23 nineteen hundred ninety-five, and no member paying additional contrib-  
24 utions pursuant to this section shall be required to pay additional  
25 contributions pursuant to such subdivision d of section four hundred  
26 forty-five-d of this chapter.

27 2. Commencing with the first full payroll period after each person  
28 becomes a participant in the twenty-five year improved benefit retire-  
29 ment program, additional member contributions at the rate specified in  
30 paragraph one of this subdivision shall be deducted, subject to the  
31 applicable provisions of section 13-125.2 of the administrative code of  
32 the city of New York, from the compensation of such participant on each  
33 and every payroll of such participant for each and every payroll period  
34 for which he or she is such a participant.

35 3. (i) Subject to the provisions of subparagraph (ii) of this para-  
36 graph, where any additional member contributions required by paragraph  
37 one of this subdivision are not paid by deductions from a participant's  
38 compensation pursuant to paragraph two of this subdivision:

39 (A) that participant shall be charged with a contribution deficiency  
40 consisting of such unpaid amounts, together with interest thereon,  
41 compounded annually; and

42 (B) such interest on each amount of undeducted contributions shall  
43 accrue from the end of the payroll period for which such amount would  
44 have been deducted from compensation if he or she had been a participant  
45 at the beginning of that payroll period and such deductions had been  
46 required for such payroll period until such amount is paid to the  
47 retirement system; and

48 (C) (1) interest on each such amount included in such participant's  
49 contribution deficiency pursuant to this subparagraph shall be calcu-  
50 lated as if such additional member contributions never had been paid by  
51 such participant, and such interest shall accrue from the end of the  
52 payroll period to which an amount of such additional member contribution  
53 is attributable, compounded annually, until such amount is paid to the  
54 retirement system;

55 (2) the rate of interest to be applied to each such amount during the  
56 period for which interest accrues on that amount shall be equal to the

1 rate or rates of interest required by law to be used during that same  
2 period to credit interest on the accumulated deductions of retirement  
3 system members;

4 (ii) Except as provided in subparagraph (iii) of this paragraph, no  
5 interest shall be due on any unpaid additional contributions which are  
6 not attributable to the period prior to the first full payroll period  
7 referred to in paragraph two of this subdivision;

8 (iii) Should any person who, pursuant to paragraph seven of this  
9 subdivision has withdrawn any additional member contributions (and any  
10 interest paid thereon) again become a participant in the twenty-five  
11 year improved benefit retirement program pursuant to paragraph five of  
12 subdivision b of this section, an appropriate amount shall be included  
13 in such participant's contribution deficiency (including interest there-  
14 on as calculated pursuant to this paragraph) for any credited service  
15 with respect to which such person received a refund of additional member  
16 contributions (including any amount of an unpaid loan balance deemed to  
17 have been returned to such person pursuant to paragraph seven of this  
18 subdivision), as if such additional member contributions never had been  
19 paid.

20 4. The board of trustees of the retirement system may, consistent with  
21 the provisions of this subdivision, promulgate regulations for the  
22 payment of the additional member contributions required by this subdivi-  
23 sion, and any interest thereon, by a participant in the twenty-five year  
24 improved benefit retirement program (including the deduction of such  
25 contributions, and any interest thereon, from his or her compensation).

26 5. Where a participant who is otherwise eligible for service retire-  
27 ment pursuant to subdivision c of this section did not, prior to the  
28 effective date of retirement, pay the entire amount of a contribution  
29 deficiency chargeable to him or her pursuant to paragraph three of this  
30 subdivision, or repay the entire amount of a loan of his or her addi-  
31 tional member contributions pursuant to paragraph eight of this subdivi-  
32 sion (including accrued interest on such loan), that participant, never-  
33 theless, shall be eligible to retire pursuant to subdivision c of this  
34 section, provided, however, that where such participant is not entitled  
35 to a refund of additional member contributions pursuant to paragraph  
36 seven of this subdivision, such participant's service retirement benefit  
37 calculated pursuant to the applicable provisions of subdivision c of  
38 this section shall be reduced by a life annuity (calculated in accord-  
39 ance with the method set forth in subdivision i of section six hundred  
40 thirteen-b of this chapter) which is actuarially equivalent to: (i) the  
41 amount of any unpaid contribution deficiency chargeable to such member  
42 pursuant to paragraph three of this subdivision; plus (ii) the amount of  
43 any unpaid balance of a loan of his or her additional member contrib-  
44 utions pursuant to paragraph eight of this subdivision (including  
45 accrued interest on such loan).

46 6. Subject to the provisions of paragraph five of this subdivision,  
47 where a participant has not paid in full any contribution deficiency  
48 chargeable to him or her pursuant to paragraph three of this subdivi-  
49 sion, and a benefit, other than a refund of a member's accumulated  
50 deductions or a refund of additional member contributions pursuant to  
51 paragraph seven of this subdivision, becomes payable by the retirement  
52 system to the participant or to his or her designated beneficiary or  
53 estate, the actuarial equivalent of any such unpaid amount shall be  
54 deducted from the benefit otherwise payable.

55 7. (i) All additional member contributions required by this subdivi-  
56 sion (and any interest thereon) which are received by the retirement

1 system shall be paid into its contingent reserve fund and shall be the  
2 property of the retirement system. Such additional member contributions  
3 (and any interest thereon) shall not for any purpose be deemed to be  
4 member contributions or accumulated deductions of a member of the  
5 retirement system under section 13-125 or 13-162 of the administrative  
6 code of the city of New York while he or she is a participant in the  
7 twenty-five year improved benefit retirement program or otherwise.

8 (ii) Should a participant in the twenty-five year improved benefit  
9 retirement program, who has rendered less than fifteen years of credited  
10 service cease to hold a position as a fire protection inspector member  
11 for any reason whatsoever, his or her accumulated additional member  
12 contributions made pursuant to this subdivision (together with any  
13 interest thereon paid to the retirement system) which remain credited to  
14 such participant's account may be withdrawn by him or her pursuant to  
15 procedures promulgated in regulations of the board of trustees of the  
16 retirement system, together with interest thereon at the rate of inter-  
17 est required by law to be used to credit interest on the accumulated  
18 deductions of retirement system members compounded annually.

19 (iii) Notwithstanding any other provision of law to the contrary,

20 (A) no person shall be permitted to withdraw from the retirement  
21 system any additional member contributions paid pursuant to this subdivi-  
22 vision or any interest paid thereon, except pursuant to and in accord-  
23 ance with the preceding subparagraphs of this paragraph; and

24 (B) no person, while he or she is a participant in the twenty-five  
25 year improved benefit retirement program, shall be permitted to withdraw  
26 any such additional member contributions or any interest paid thereon  
27 pursuant to any of the preceding subparagraphs of this paragraph or  
28 otherwise.

29 8. A participant in the twenty-five year improved benefit retirement  
30 program shall be permitted to borrow from his or her additional member  
31 contributions, including any interest paid thereon, which are credited  
32 to the additional contributions account established for such participant  
33 in the contingent reserve fund of the retirement system. The borrowing  
34 from such additional member contributions pursuant to this paragraph  
35 shall be governed by the same rights, privileges, obligations and proce-  
36 dures set forth in section six hundred thirteen-b of this chapter which  
37 govern the borrowing by members subject to article fifteen of this chap-  
38 ter of member contributions made pursuant to section six hundred thir-  
39 teen of this chapter. The board of trustees of the retirement system  
40 may, consistent with the provisions of this subdivision and the  
41 provisions of section six hundred thirteen-b of this chapter as made  
42 applicable to this subdivision, promulgate regulations governing the  
43 borrowing of such addition member contributions.

44 9. Wherever a person has an unpaid balance of a loan of his or her  
45 additional member contributions pursuant to paragraph eight of this  
46 subdivision at the time he or she becomes entitled to a refund of his or  
47 her additional member contributions pursuant to subparagraph (ii) of  
48 paragraph seven of this subdivision, the amount of such unpaid loan  
49 balance (including accrued interest) shall be deemed to have been  
50 returned to such member, and the refund of such additional contributions  
51 shall be the net amount of such contributions, together with interest  
52 thereon in accordance with the provisions of such subparagraph.

53 10. Notwithstanding any other provision of law to the contrary, the  
54 provisions of section one hundred thirty-eight-b of this chapter shall  
55 not be applicable to the additional member contributions which are  
56 required by this subdivision.

1 11. Notwithstanding any other provision of law to the contrary, the  
2 additional member contributions which are required by this subdivision  
3 shall not be reduced under any program for increased-take-home-pay.

4 e. The provisions of this section shall not be construed to provide  
5 benefits to any participant in the twenty-five year improved benefit  
6 retirement program which are greater than those which would be received  
7 by a similarly situated member who is entitled to benefits under the  
8 provisions of section 13-157.2 of the administrative code, but who is  
9 not governed by the provisions of this article.

10 § 5. The retirement and social security law is amended by adding a new  
11 section 604-j to read as follows:

12 § 604-j. Twenty-five year retirement program for fire protection  
13 inspector members. a. Definitions. The following words and phrases as  
14 used in this section shall have the following meanings unless a differ-  
15 ent meaning is plainly required by the context.

16 1. "Fire protection inspector member" shall mean a member who is  
17 employed by the city of New York or by the New York city fire department  
18 in a title whose duties are those of a fire protection inspector or  
19 associate fire protection inspector; or in a title whose duties require  
20 the supervision of employees whose duties are those of a fire protection  
21 inspector or associate fire protection inspector.

22 2. "Twenty-five year retirement program" shall mean all the terms and  
23 conditions of this section.

24 3. "Starting date of the twenty-five year retirement program" shall  
25 mean the date of enactment of this section.

26 4. "Participant in the twenty-five year retirement program" shall mean  
27 any fire protection inspector member who, under the applicable  
28 provisions of subdivision b of this section, is entitled to the rights,  
29 benefits and privileges and is subject to the obligations of the twen-  
30 ty-five year retirement program, as applicable to him or her.

31 5. "Discontinued member" shall mean a participant in the twenty-five  
32 year retirement program who, while he or she was a fire protection  
33 inspector member, discontinued service as such a member and has a right  
34 to a deferred vested benefit under subdivision d of this section.

35 6. "Administrative code" shall mean the administrative code of the  
36 city of New York.

37 7. "Allowable service as a fire protection inspector member" shall  
38 mean all service as a fire protection inspector member.

39 b. Participation in twenty-five year retirement program. 1. Subject to  
40 the provisions of paragraphs six and seven of this subdivision, any  
41 person who is a fire protection inspector member on the starting date of  
42 the twenty-five year retirement program and who, as such a fire  
43 protection inspector member or otherwise, last became subject to the  
44 provisions of this article prior to such starting date, may elect to  
45 become a participant in the twenty-five year retirement program by  
46 filing, within one hundred eighty days after the starting date of the  
47 twenty-five year retirement program, a duly executed application for  
48 such participation with the retirement system of which such person is a  
49 member, provided he or she is such a fire protection inspector member on  
50 the date such application is filed.

51 2. Subject to the provisions of paragraphs six and seven of this  
52 subdivision, any person who becomes a fire protection inspector member  
53 after the starting date of the twenty-five year retirement program and  
54 who, as such a fire protection inspector member or otherwise, last  
55 became subject to the provisions of this article prior to such starting  
56 date, may elect to become a participant in the twenty-five year retire-

1 ment program by filing, within one hundred eighty days after becoming  
2 such a fire protection inspector member, a duly executed application for  
3 such participation with the retirement system for which such person is a  
4 member, provided that he or she is such a fire protection inspector  
5 member on the date such application is filed.

6 3. Each fire protection inspector member, other than a fire protection  
7 inspector member subject to paragraph one or two of this subdivision,  
8 who becomes subject to the provisions of this article on or after the  
9 starting date of the twenty-five year retirement program shall become a  
10 participant in the twenty-five year retirement program on the date he or  
11 she becomes such a fire protection inspector member. Provided, however,  
12 a person subject to this paragraph, and who has exceeded age twenty-five  
13 upon employment as a fire protection inspector member, shall be exempt  
14 from participation in the improved twenty-five year retirement program  
15 if such person elects not to participate by filing a duly executed form  
16 with the retirement system within one hundred eighty days of becoming a  
17 fire protection inspector member.

18 4. Any election to be a participant in the twenty-five year retirement  
19 program shall be irrevocable.

20 5. Where any participant in the twenty-five year retirement program  
21 shall cease to be employed as a fire protection member, he or she shall  
22 cease to be such a participant and, during any period in which such  
23 person is not so employed, he or she shall not be a participant in the  
24 twenty-five year retirement program and shall not be eligible for the  
25 benefits of subdivision c of this section.

26 6. Where any participant in the twenty-five year retirement program  
27 terminates service as a fire protection inspector member and returns to  
28 such service as a fire protection inspector member at a later date, he  
29 or she shall again become such a participant on that date.

30 7. Notwithstanding any other provision of the law to the contrary, any  
31 person who is eligible to elect to become a participant in the twenty-  
32 five year retirement program pursuant to paragraph one or two of this  
33 subdivision for the full one hundred eighty day period provided for in  
34 such applicable paragraph and who fails to timely file a duly executed  
35 application for such participation with the retirement system, shall not  
36 thereafter be eligible to become a participant in such program.

37 c. Service retirement benefits. 1. A participant in the twenty-five  
38 year retirement program:

39 (i) who has completed twenty-five or more years of allowable service  
40 as a fire protection member, and

41 (ii) who has paid, before the effective date of retirement, all addi-  
42 tional member contributions and interest (if any) required by subdivi-  
43 sion e of this section; and

44 (iii) who files with the retirement system of which he or she is a  
45 member an application for service retirement setting forth at what time,  
46 not less than thirty days subsequent to the execution and filing there-  
47 of, he or she desires to be retired; and

48 (iv) who shall be a participant in the twenty-five year retirement  
49 program at the time so specified for his or her retirement, shall be  
50 retired pursuant to the provisions of this section affording early  
51 service retirement.

52 2. Notwithstanding an other provision of law to the contrary, and  
53 subject to the provisions of paragraph six of subdivision e of this  
54 section, the early service retirement benefit for participants in the  
55 twenty-five year retirement program who retire pursuant to paragraph one  
56 of this subdivision shall be a retirement allowance consisting of:

1 (i) an amount, on account of the required minimum period of service,  
2 equal to fifty percent of his or her final average salary; plus

3 (ii) an amount on account of allowable service as a fire protection  
4 member, or fraction thereof, beyond such required minimum period of  
5 service equal to two percent of his or her final salary for such allow-  
6 able service as a fire protection member during the period from  
7 completion of twenty-five years of allowable service as a fire  
8 protection member to the date of retirement but not to exceed more than  
9 five years of additional service as a fire protection member.

10 d. Vesting. 1. A participant in the twenty-five year retirement  
11 program:

12 (i) who discontinues service as such a participant, other than by  
13 death or retirement; and

14 (ii) in the case of a participant who is not a New York city revised  
15 plan member, who prior to such discontinuance, completed five but less  
16 than than twenty-five years of allowable service as a fire protection  
17 member or, in the case of a participant who is a New York city revised  
18 plan member, who prior to such discontinuance, completed ten but less  
19 than twenty-five years of allowable service as a fire protection member;  
20 and

21 (iii) who, subject to the provisions of paragraph seven of subdivision  
22 e of this section, has paid, prior to such discontinuance, all addi-  
23 tional member contributions and interest (if any) required by subdivi-  
24 sion e of this section; and

25 (iv) who does not withdraw in whole or in part his or her accumulated  
26 member contributions pursuant to section six hundred thirteen of this  
27 article unless such participant thereafter returns to public service and  
28 repays the amounts so withdrawn, together with interest, pursuant to  
29 such section six hundred thirteen; shall be entitled to receive a  
30 deferred vested benefit as provided in this subdivision.

31 2. (i) Upon such discontinuance under the conditions and in compliance  
32 with the provisions of paragraph one of this subdivision, such deferred  
33 vested benefit shall vest automatically.

34 (ii) In the case of a participant who is not a New York city revised  
35 plan member, such vested benefit shall become payable on the earliest  
36 date on which such discontinued member could have retired for service if  
37 such discontinuance had not occurred or, in the case of a participant  
38 who is a New York city revised plan member, such vested benefit shall  
39 become payable at age sixty-three. Subject to the provisions of para-  
40 graph seven of subdivision e of this section, such deferred vested bene-  
41 fit shall be a retirement allowance consisting of an amount equal to two  
42 percent of such discontinued member's final average salary, multiplied  
43 by the number of years of allowable service.

44 e. Additional member contributions. 1. In addition to the member  
45 contributions required by section six hundred thirteen of this article,  
46 each participant in the twenty-five year retirement program shall  
47 contribute to the retirement system of which he or she is a member  
48 (subject to the applicable provisions of subdivision d of section six  
49 hundred thirteen of this article) an additional six percent of his or  
50 her compensation earned from (i) all allowable service, as a participant  
51 in the twenty-five year retirement program, rendered on or after the  
52 starting date of the twenty-five year retirement program, and (ii) all  
53 allowable service after such person ceases to be a participant, but  
54 before he or she again becomes a participant pursuant to paragraph six  
55 of subdivision b of this section. The additional contributions required  
56 by this section shall be in lieu of additional member contributions

1 required by subdivision d of section six hundred four-c of this chapter  
2 as added by chapter ninety-six of the laws of nineteen hundred ninety-  
3 five, and no member making additional contributions pursuant to this  
4 section shall be required to make contributions pursuant to such subdivi-  
5 sion d of section six hundred four-c of this chapter.

6 2. A participant in the twenty-five year retirement program shall  
7 contribute additional member contributions until the later of (i) the  
8 first anniversary of the starting date of the twenty-five year retire-  
9 ment program, or (ii) the date on which he or she completes thirty years  
10 of allowable service as a fire protection inspector member.

11 3. Commencing with the first full payroll period after each person  
12 becomes a participant in the twenty-five year retirement program, addi-  
13 tional member contributions at the rate specified in paragraph one of  
14 this subdivision shall be deducted (subject to the applicable provisions  
15 of subdivision d of section six hundred thirteen of this article) from  
16 the compensation of such participant on each and every payroll of such  
17 participant for each and every payroll period for which he or she is  
18 such a participant.

19 4. (i) Each participant in the twenty-five year retirement program  
20 shall be charged with a contribution deficiency consisting of the total  
21 amounts of additional member contributions such person is required to  
22 make pursuant to paragraphs one and two of this subdivision which are  
23 not deducted from his or her compensation pursuant to paragraph three of  
24 this subdivision, if any, together with interest thereon, compounded  
25 annually, and computed in accordance with the provisions of subpara-  
26 graphs (ii) and (iii) of this paragraph.

27 (ii)(A) The interest required to be paid on each such amount specified  
28 in subparagraph (i) of this paragraph shall accrue from the end of the  
29 payroll period for which such amount would have been deducted from  
30 compensation if he or she had been a participant at the beginning of  
31 that payroll period and such deduction had been required for such  
32 payroll period, until such amount is paid to the retirement system.

33 (B) The rate of interest to be applied to each such amount during the  
34 period for which interest accrues on that amount shall be equal to the  
35 rate or rates of interest required by law to be used during that same  
36 period to credit interest on the accumulated deductions of retirement  
37 system members.

38 (iii) Except as otherwise provided in paragraph five of this subdivi-  
39 sion, no interest shall be due on any unpaid additional member contrib-  
40 utions which are not attributable to a period prior to the first full  
41 payroll period referred to in paragraph three of this subdivision.

42 5. (i) Should any person who, pursuant to subparagraph (ii) of para-  
43 graph ten of this subdivision, has received a refund of his or her addi-  
44 tional member contribution including any interest paid on such contrib-  
45 utions, again become a participant in the twenty-five year retirement  
46 program pursuant to paragraph six of subdivision b of this section, an  
47 appropriate amount shall be included in such participant's contribution  
48 deficiency (including interest thereon as calculated pursuant to subpar-  
49 agraph (ii) of this paragraph) for any allowable service for which such  
50 person received a refund of such additional member contributions  
51 (including any amount of an unpaid loan balance deemed to have been  
52 returned to such person pursuant to paragraph twelve of this subdivi-  
53 sion), as if such additional member contributions never had been paid.

54 (ii) (A) Interest on a participant's additional member contributions  
55 included in such participant's contribution deficiency pursuant to  
56 subparagraph (i) of this paragraph shall be calculated as if such addi-

1 tional member contributions had never been paid by such participant, and  
2 such interest shall accrue from the end of the payroll period to which  
3 an amount of such additional member contributions is attributable, until  
4 such amount is paid to the retirement system.

5 (B) The rate of interest to be applied to each such amount during the  
6 period for which interest accrues on that amount shall be five percent  
7 per annum, compounded annually.

8 6. Where a participant who is otherwise eligible for service retire-  
9 ment pursuant to subdivision c of this section did not, prior to the  
10 effective date of retirement, pay the entire amount of a contribution  
11 deficiency chargeable to him or her pursuant to paragraphs four and five  
12 of this subdivision, or repay the entire amount of a loan of his or her  
13 additional member contributions pursuant to paragraph eleven of this  
14 subdivision (including accrued interest on such loan), that participant,  
15 nevertheless, shall be eligible to retire pursuant to subdivision c of  
16 this section, provided, however, that such participant's service retire-  
17 ment benefit calculated pursuant to paragraph two of such subdivision c  
18 shall be reduced by a life annuity (calculated in accordance with the  
19 method set forth in subdivision i of section six hundred thirteen-b of  
20 this article) which is actuarially equivalent to:

21 (i) the amount of any unpaid contribution deficiency chargeable to  
22 such member pursuant to paragraphs four and five of this subdivision;  
23 plus

24 (ii) the amount of any unpaid balance of a loan of his or her addi-  
25 tional member contributions pursuant to paragraph eleven of this subdivi-  
26 vision (including accrued interest on such loan).

27 7. Where a participant who is otherwise eligible for a vested right to  
28 a deferred benefit pursuant to subdivision d of this section did not,  
29 prior to the date of discontinuance of service, pay the entire amount of  
30 a contribution deficiency chargeable to him or her pursuant to para-  
31 graphs four and five of this subdivision, or repay the entire amount of  
32 a loan of his or her additional member contributions pursuant to para-  
33 graph eleven of this subdivision (including accrued interest on such  
34 loan), that participant, nevertheless, shall have a vested right to a  
35 deferred benefit pursuant to subdivision d of this section provided,  
36 however, that the deferred vested benefit calculated pursuant to para-  
37 graph three of subdivision d shall be reduced by a life annuity (calcu-  
38 lated in accordance with the method set forth in subdivision i of  
39 section six hundred thirteen-b of this article) which is actuarially  
40 equivalent to:

41 (i) the amount of any unpaid contribution chargeable to such member  
42 pursuant to paragraphs four and five of this subdivision; plus

43 (ii) the amount of any unpaid balance of a loan of his or her addi-  
44 tional member contributions pursuant to paragraph eleven of this subdivi-  
45 vision (including accrued interest on such a loan).

46 8. The head of a retirement system which includes participants in the  
47 twenty-five year retirement program in its membership may, consistent  
48 with the provisions of this subdivision, promulgate regulations for the  
49 payment of such additional member contributions, and any interest there-  
50 on, by such participants (including the deduction of such contributions,  
51 and any interest thereon, from the participant's compensation).

52 9. Subject to the provisions of paragraphs six and seven of this  
53 subdivision, where a participant has not paid in full any contribution  
54 deficiency chargeable to him or her pursuant to paragraphs four and five  
55 of this subdivision, and a benefit, other than a refund of member  
56 contributions pursuant to section six hundred thirteen of this article

1 or a refund of additional member contributions pursuant to subparagraph  
2 (ii) of paragraph ten of this subdivision, becomes payable under this  
3 article to the participant or to his or her designated beneficiary or  
4 estate, the actuarial equivalent of any such unpaid amount shall be  
5 deducted from the benefit otherwise payable.

6 10. (i) Such additional member contributions (and any interest there-  
7 on) shall be paid into the contingent reserve fund of the retirement  
8 system of which the participant is a member and shall not for any  
9 purpose be deemed to be member contributions or accumulated contrib-  
10 utions of a member under section six hundred thirteen of this article or  
11 otherwise while he or she is a participant in the twenty-five year  
12 retirement program or otherwise.

13 (ii) Should a participant in the twenty-five year retirement program  
14 who has rendered less than fifteen years of credited service cease to  
15 hold a position as a fire protection inspector member for any reason  
16 whatsoever, his or her accumulated additional member contributions made  
17 pursuant to this subdivision (together with any interest thereon paid to  
18 the retirement system) may be withdrawn by him or her pursuant to proce-  
19 dures promulgated in regulations of the board of trustees of the retire-  
20 ment system, together with interest thereon at the rate of five percent  
21 per annum, compounded annually.

22 (iii) Notwithstanding any other provision of law to the contrary, (A)  
23 no person shall be permitted to withdraw from the retirement system any  
24 additional member contributions paid pursuant to this subdivision or any  
25 interest paid thereon, except pursuant to and in accordance with the  
26 preceding subparagraphs of this paragraph; and (B) no person, while he  
27 or she is a participant in the twenty-five year retirement program,  
28 shall be permitted to withdraw any such additional member contributions  
29 or any interest paid thereon pursuant to any of the preceding subpara-  
30 graphs of this paragraph or otherwise.

31 11. A participant in the twenty-five year retirement program shall be  
32 permitted to borrow from his or her additional member contributions  
33 (including any interest paid thereon) which are credited to the addi-  
34 tional contributions account established for such participant in the  
35 contingent reserve fund of the retirement system. The borrowing from  
36 such additional member contributions pursuant to this paragraph shall be  
37 governed by the rights, privileges, obligations and procedures set forth  
38 in section six hundred thirteen-b of this article which govern the  
39 borrowing of member contributions made pursuant to section six hundred  
40 thirteen of this article. The board of trustees of the retirement system  
41 may, consistent with the provisions of this subdivision and the  
42 provisions of section six hundred thirteen-b of this article as made  
43 applicable to this subdivision, promulgate regulations governing the  
44 borrowing of such additional member contributions.

45 12. Whenever a person has an unpaid balance of a loan or his or her  
46 additional member contributions pursuant to paragraph eleven of this  
47 subdivision at the time he or she becomes entitled to a refund of his or  
48 her additional member contributions pursuant to subparagraph (ii) of  
49 paragraph ten of this subdivision, the amount of such unpaid loan  
50 balance (including accrued interest) shall be deemed to have been  
51 returned to such member, and the refund of such additional contributions  
52 shall be the net amount of such contribution, together with interest  
53 thereon in accordance with the provisions of such subparagraph (ii).

54 § 6. Subdivision d of section 613 of the retirement and social securi-  
55 ty law is amended by adding a new paragraph 12 to read as follows:

1 12. (i) The city of New York shall, in the case of a fire protection  
2 inspector member (as defined in paragraph one of subdivision a of  
3 section six hundred four-j of this article) who is a participant in the  
4 twenty-five year retirement program (as defined in paragraph four of  
5 subdivision a of such section six hundred four-j), pick up and pay to  
6 the retirement system of which such participant is a member all addi-  
7 tional member contributions which otherwise would be required to be  
8 deducted from such member's compensation pursuant to paragraphs one and  
9 two of subdivision e of such section six hundred four-j (not including  
10 any additional member contributions due for any period prior to the  
11 first full payroll period referred to in paragraph three of such subdivi-  
12 vision e), and shall effect such pick up in each and every payroll of  
13 such participant for each and every payroll period with respect to which  
14 such paragraph three would otherwise require such deductions.

15 (ii) An amount equal to the amount of additional contributions picked  
16 up pursuant to this paragraph shall be deducted by such employer from  
17 the compensation of such member (as such compensation would be in the  
18 absence of a pick up program applicable to him or her) and shall not be  
19 paid to such member.

20 (iii) The additional member contributions picked up pursuant to this  
21 paragraph for any such member shall be paid by such employer in lieu of  
22 an equal amount of additional member contributions otherwise required to  
23 be paid by such member under the applicable provisions of subdivision e  
24 of section six hundred four-j of this article, and shall be deemed to be  
25 and treated as employer contributions pursuant to section 414(h) of the  
26 Internal Revenue Code.

27 (iv) For the purpose of determining the retirement system rights,  
28 benefits and privileges of any member whose additional member contrib-  
29 utions are picked up pursuant to this paragraph, such picked up addi-  
30 tional member contributions shall be deemed to be and treated as part of  
31 such member's additional member contributions under the applicable  
32 provisions of subdivision e of section six hundred four-j of this arti-  
33 cle.

34 (v) With the exception of federal income tax treatment, the additional  
35 member contributions picked up pursuant to subparagraph (i) of this  
36 paragraph shall for all other purposes, including computation of retire-  
37 ment benefits and contributions by employers and employees, be deemed  
38 employee salary. Nothing contained in this subdivision shall be  
39 construed as superseding the provisions of section four hundred thirty-  
40 one of this chapter, or any similar provision of law which limits the  
41 salary base for computing retirement benefits payable by a public  
42 retirement system.

43 § 7. Section 13-125.2 of the administrative code of the city of New  
44 York is amended by adding a new subdivision a-9 to read as follows:

45 a-9. Notwithstanding any other provision of law to the contrary, on or  
46 after the starting date for pick up, the employer responsible for pick  
47 up shall, in the case of a fire protection inspector member (as defined  
48 in paragraph two of subdivision a of section four hundred forty-five-j  
49 of the retirement and social security law) who is a participant in the  
50 twenty-five year improved benefit retirement program (as defined in  
51 paragraph three of such subdivision a), pick up and pay to retirement  
52 system all additional member contributions which otherwise would be  
53 required to be deducted from such member's compensation pursuant to  
54 subdivision d of such section four hundred forty-five-j, and shall  
55 effect such pick up on each and every payroll of such participant for

1 each and every payroll period with respect to which such subdivision d  
2 would otherwise require such deductions.

3 § 8. Subparagraph (ii) of paragraph 1 of subdivision c of section  
4 13-125.2 of the administrative code of the city of New York, as amended  
5 by chapter 682 of the laws of 2003, is amended to read as follows:

6 (ii) the determination of the amount of such member's Tier I or Tier  
7 II nonuniformed-force member contributions eligible for pick up by the  
8 employer or additional member contributions required to be picked up  
9 pursuant to subdivision a-one, subdivision a-two, subdivision a-three,  
10 subdivision a-four, subdivision a-five, subdivision a-six, subdivision  
11 a-seven ~~[e]~~, subdivision a-eight or subdivision a-nine of this section;  
12 and

13 § 9. Subdivision d of section 13-125.2 of the administrative code of  
14 the city of New York is amended by adding a new paragraph 2-h to read as  
15 follows:

16 (2-h) For the purpose of determining the retirement system rights,  
17 benefits and privileges of any member who is a participant in the twen-  
18 ty-five year retirement program (as defined in paragraph two of subdivi-  
19 sion a of section 13-157.5 of this chapter), the additional member  
20 contributions of such participant picked up pursuant to subdivision  
21 a-nine of this section shall be deemed to be and treated as a part of  
22 such member's additional contributions under subdivision e of such  
23 section 13-157.5.

24 § 10. Paragraph 3 of subdivision d of section 13-125.2 of the adminis-  
25 trative code of the city of New York, as amended by chapter 682 of the  
26 laws of 2003, is amended to read as follows:

27 (3) Interest on contributions picked up for any Tier I or Tier II  
28 non-uniformed-force member pursuant to this section (other than addi-  
29 tional member contributions picked up pursuant to subdivision a-one,  
30 subdivision a-two, subdivision a-three, subdivision a-four, subdivision  
31 a-five, subdivision a-six, subdivision a-seven ~~[e]~~, subdivision a-eight  
32 or subdivision a-nine of this section) shall accrue in favor of the  
33 member and be payable to the retirement system at the same rate, for the  
34 same time periods, in the same manner and under the same circumstances  
35 as interest would be required to accrue in favor of the member and be  
36 payable to the retirement system on such contributions if they were made  
37 by such member in the absence of a pick up program applicable to such  
38 member under the provisions of this section.

39 § 11. Subdivision a of section 603 of the retirement and social secu-  
40 rity law, as amended by chapter 18 of the laws of 2012, is amended to  
41 read as follows:

42 a. The service retirement benefit specified in section six hundred  
43 four of this article shall be payable to members who have met the mini-  
44 mum service requirements upon retirement and attainment of age sixty-  
45 two, other than members who are eligible for early service retirement  
46 pursuant to subdivision c of section six hundred four-b of this article,  
47 subdivision c of section six hundred four-c of this article, subdivision  
48 d of section six hundred four-d of this article, subdivision c of  
49 section six hundred four-e of this article, subdivision c of section six  
50 hundred four-f of this article, subdivision c of section six hundred  
51 four-g of this article, subdivision c of section six hundred four-h of  
52 this article ~~[e]~~, subdivision c of section six hundred four-i of this  
53 article, or subdivision c of section six hundred four-j of this article  
54 provided, however, a member of a teachers' retirement system or the New  
55 York state and local employees' retirement system who first joins such  
56 system before January first, two thousand ten or a member who is a

1 uniformed court officer or peace officer employed by the unified court  
2 system who first becomes a member of the New York state and local  
3 employees' retirement system before April first, two thousand twelve may  
4 retire without reduction of his or her retirement benefit upon attain-  
5 ment of at least fifty-five years of age and completion of thirty or  
6 more years of service, provided, however, that a uniformed court officer  
7 or peace officer employed by the unified court system who first becomes  
8 a member of the New York state and local employees' retirement system on  
9 or after January first, two thousand ten and retires without reduction  
10 of his or her retirement benefit upon attainment of at least fifty-five  
11 years of age and completion of thirty or more years of service pursuant  
12 to this section shall be required to make the member contributions  
13 required by subdivision f of section six hundred thirteen of this arti-  
14 cle for all years of credited and creditable service, provided further  
15 that the the preceding provisions of this subdivision shall not apply to  
16 a New York city revised plan member.

17 § 12. Nothing contained in sections six and eleven of this act shall  
18 be construed to create any contractual right with respect to members to  
19 whom such sections apply. The provisions of such sections are intended  
20 to afford members the advantages of certain benefits contained in the  
21 internal revenue code, and the effectiveness and existence of such  
22 sections and benefits they confer are completely contingent thereon.

23 § 13. This act shall take effect immediately, provided, however that:

24 (a) the amendments to subdivision a of section 603 of the retirement  
25 and social security law made by section eleven of this act shall not  
26 affect the expiration of such subdivision and shall be deemed to expire  
27 therewith;

28 (b) the provisions of section six of this act shall remain in force  
29 and effect only so long as, pursuant to federal law, contributions  
30 picked up under such section are not includable as gross income of a  
31 member for federal income tax purposes until distributed or made avail-  
32 able to the member; and

33 (c) the amendments to section 13-125.2 of the administrative code of  
34 the city of New York made by sections seven, eight, nine and ten of this  
35 act shall not affect the expiration of such provisions as provided for  
36 in section 16 of chapter 681 of the laws of 1992, as amended.

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

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would  
amend Administrative Code of the City of New York (ACNY) Section  
13-125.2 and Retirement and Social Security Law (RSSL) Sections 444,  
445, 603 and 613, and add ACNY Section 13-157.5 and RSSL Sections 445-j  
and 604-j to establish a 25-Year Retirement Program for Fire Protection  
Inspectors (FPI 25-Year Plan) for each tier.

The Effective Date of the proposed legislation is the date of enact-  
ment.

MEMBERS ELIGIBLE TO JOIN: Those members whose duties are one of the  
following are eligible to participate in the FPI 25-Year Plan:

- \* Fire Protection Inspector
- \* Associate Fire Protection Inspector
- \* Supervisor of employees whose duties are those of a fire protection  
inspector, and
- \* Supervisor of employees whose duties are those of an associate fire  
protection inspector.

For purposes of this Fiscal Note, these members are collectively  
referred to as "Fire Inspectors."

Participation in the FPI 25-Year Plan is optional for anyone who is eligible to participate in the plan on the date of enactment by filing an election form within 180 days of enactment. Anyone who is a member of the New York City Employees' Retirement System (NYCERS) on the date of enactment and subsequently becomes employed as a Fire Inspector has 180 days to elect to join the FPI 25-Year Plan.

Any Fire Inspector who becomes a Tier 6 NYCERS member after the date of enactment is mandated into the plan. However, if the member exceeds age 25 upon being mandated into the FPI 25-Year Plan, the member has the option not to participate.

IMPACT OF BENEFITS: Currently, Fire Inspectors generally participate in one of the NYCERS general plans (basic Tier 4 62/5 Plan, Tier 6 63/10 Plan or Improved Tier 4 57/5, 55/25 Plans). (Note that since there is only one Tier 2 Fire Inspector remaining, the following summary of the FPI 25-Year Plan is for Tier 4 and Tier 6 members only).

The proposed legislation would provide the following benefits to Fire Inspectors under the FPI 25-Year Plan:

- \* Service retirement benefit: Upon attaining 25 years of service, a benefit equal to 50% of Final Average Salary (FAS) for the first 25 years of Allowable Service plus 2% of FAS for each additional year of Allowable Service up to a maximum of 30 years of such service.

- \* Final Average Salary: Three Year Average (FAS3) for Tier 4 members and Five Year Average (FAS5) for Tier 6 members.

- \* Vested benefit:

- \* Eligibility is:

- \* At least five, but less than 25, years of allowable service for Tier 4, and

- \* At least 10, but less than 25, years of allowable service for Tier 6.

- \* Payable at:

- \* The date the member would have completed 25 years of allowable service for Tier 4, and

- \* Age 63 for Tier 6.

- \* Amount:

- \* 2% of FAS for each year of allowable service.

- \* Other benefits: Members of the proposed FPI 25-Year Plan are entitled to the same disability and death benefits as other Tier 4 and Tier 6 members under the respective basic plans.

ADDITIONAL MEMBER CONTRIBUTIONS: Members of the FPI 25-Year Plan are required to make, in addition to the 3% Basic Member Contributions, Additional Member Contributions equal to 6% of compensation for all allowable service as a Plan participant on and after the starting date of the FPI 25-Year Plan for a maximum of 30 years.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: With respect to NYCERS and based on the anticipated group of members joining the FPI 25-Year Plan and the actuarial assumptions and methods described herein, if the proposed legislation is enacted, the Actuarial Present Value (APV) of Benefits (APVB) would increase by approximately \$1.0 million, consisting of APV of member contributions of approximately \$0.3 million, and APV of future employer contributions of approximately \$0.7 million.

Under the Entry Age Actuarial Cost Method used to determine the employer contributions to NYCERS, there would be an increase in the Unfunded Actuarial Accrued Liability (UAAL) of approximately \$1.6 million offset by a decrease in the APV of future employer Normal Cost of \$0.9 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with ACNY Section 13.638.2(k-2), the new UAAL estimated to be \$1.6 million attributable to benefit changes is to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2016, the remaining working lifetime of the Fire Inspectors assumed to join the FPI 25-Year Plan is approximately 5 years.

Based on the actuarial assumptions and methods described below, the enactment of this proposed legislation would increase annual employer contributions by approximately \$385,000 per year.

The increase in employer contributions has been estimated assuming that the increase in UAAL would be financed over a 5-year period (4 payments under One-Year Lag Methodology) using level dollar payments.

Regarding the timing of these increased contributions, if the Effective Date of the proposed legislation is on or before June 30, 2017, then the increase in employer contributions would first be reflected in Fiscal Year 2019.

OTHER COSTS: Not measured in this Fiscal Note are the following:

- \* The initial, additional administrative costs of NYCERS and other New York City agencies to implement the proposed legislation.

- \* The impact of this proposed legislation on Other Postemployment Benefit (OPEB) costs.

CENSUS DATA: The starting census data used for the calculations presented herein is that of the Preliminary June 30, 2016 (Lag) actuarial valuation of NYCERS. Under the One Year Lag Methodology (OYLM), this was used to determine the Preliminary Fiscal Year 2018 employer contributions for members who are eligible for and who could potentially benefit from this proposed legislation.

The 29 Fire Inspectors as of June 30, 2016 assumed to join the FPI 25-Year Plan had an average age of approximately 55, average service of approximately 26 years and an average salary of approximately \$74,800.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2016 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2018 employer contributions of NYCERS.

To determine the impact of the elective nature of the proposed legislation a subgroup of Fire Inspectors was developed on the basis of who could potentially benefit actuarially. The net APV of future employer costs (i.e., the APVB less the APV of future member contributions) of each member's benefit was determined under their current plan and under the FPI 25-Year Plan. If the net APV of future employer cost under the FPI 25-Year Plan was greater than or equal to the APV of future employer cost under the member's current plan, the member was deemed to benefit actuarially.

Based on this analysis, it was determined that those who have the option of joining the FPI Plan upon becoming a NYCERS member in the future will not actuarially benefit in the Plan. Therefore, it is assumed that these future members who have the option of joining the Plan will choose to not participate in the Plan, and that future Plan participation will be limited to those hired at the age of 25 or younger because they will be mandated into the Plan. Since it is expected that very few, if any, Fire Inspectors will be hired at the age of 25 or younger, the costs presented in this Fiscal Note are borne only from current NYCERS members who are assumed to benefit from, and thus opt to join, the FPI 25-Year Plan.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Pension Funds and Retirement Systems. I am a Fellow of the Society of Actuaries, a Fellow of the Conference of Consulting Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2017-24 dated May 31, 2017, was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2017 Legislative Session.