

STATE OF NEW YORK

7934

IN SENATE

March 12, 2018

Introduced by Sen. BENJAMIN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the termination of membership in public retirement systems

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

1 Section 1. Subdivision 4 of section 645 of the retirement and social
2 security law, as renumbered by chapter 646 of the laws of 1999, is
3 renumbered subdivision 5 and a new subdivision 4 is added to read as
4 follows:

5 4. No public retirement system shall require a member to automatically
6 withdraw from the public retirement system due to an insufficient number
7 of years spent as a member of such retirement system.

8 § 2. Section 13-146 of the administrative code of the city of New York
9 is amended to read as follows:

10 § 13-146 Termination of membership; miscellaneous. Membership in the
11 retirement system shall cease upon the occurrence of any one of the
12 following conditions:

13 1. ~~When the time out of city service, other than time on a preferred~~
14 ~~civil service list or other than time in the armed forces of the United~~
15 ~~States in world war II of any member who has resigned or has been sepa-~~
16 ~~rated from the service through no fault of his or her own, and who has~~
17 ~~total service of less than twenty five years, shall aggregate more than~~
18 ~~five years in any period not exceeding ten consecutive years since he or~~
19 ~~she last became a member.~~

20 ~~2. When the time out of city service of any member, other than time on~~
21 ~~a preferred civil service list or other than time in the armed forces of~~
22 ~~the United States in world war II, who has resigned or has been sepa-~~
23 ~~rated from the service through no fault of his or her own before reach-~~
24 ~~ing the age of retirement, and who has total service of twenty five~~
25 ~~years, or more, shall aggregate more than ten years.~~

26 ~~3.]~~ When any member shall have withdrawn more than fifty per centum of
27 his or her accumulated deductions.

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

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1 ~~[4.]~~ 2. When any member shall have withdrawn the cash benefit provided
2 by section 13-150 of this chapter.
3 ~~[5.]~~ 3. When any member shall die.
4 ~~[6.]~~ 4. When any member shall be retired on a pension.
5 ~~[7. The provisions of subdivisions one and two of this section with~~
6 ~~respect to time spent in the armed forces of the United States in world~~
7 ~~war II shall not apply to county employees.]~~
8 § 3. This act shall take effect immediately.