

STATE OF NEW YORK

10686

IN ASSEMBLY

July 1, 2020

Introduced by COMMITTEE ON RULES -- (at request of 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-two year retirement program for members of the New York city employees' retirement system employed as emergency medical technicians and advanced emergency medical technicians; and to amend the retirement and social security law, in relation to the establishment of twenty-two 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-two year retirement program for EMT members. a.
4 Definitions. The following words and phrases as used in this section
5 shall have the following meanings unless a different meaning is plainly
6 required by the context.

7 1. "EMT member" shall mean (i) a member of the retirement system who
8 is employed by the city of New York or by the New York city health and
9 hospitals corporation in a title whose duties are those of an emergency
10 medical technician or advanced emergency medical technician, as those
11 terms are defined in section three thousand one of the public health
12 law, and (ii) a member of the retirement system who, on the effective
13 date of this section or thereafter, was employed by the city of New York
14 or by the New York city health and hospitals corporation in a title
15 whose duties require the supervision of employees whose duties are those
16 of an emergency medical technician or advanced emergency medical techni-
17 cian, as those terms are defined in section three thousand one of the
18 public health law.

19 2. "Twenty-two year retirement program" shall mean all the terms and
20 conditions of this section.

21 3. "Starting date of the twenty-two year retirement program" shall
22 mean the effective date of this section, as such date is certified
23 pursuant to section forty-one of the legislative law.

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

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1 4. "Participant in the twenty-two year retirement program" shall mean
2 any EMT member who, under the applicable provisions of subdivision b of
3 this section, is entitled to the rights, benefits and privileges and is
4 subject to the obligations of the twenty-two year retirement program as
5 applicable to him or her.

6 5. "Discontinued member" shall mean a participant in the twenty-two
7 year retirement program who, while he or she was an EMT member, discon-
8 tinued service as such a member and has a right to a deferred vested
9 benefit under the provisions of subdivision d of this section.

10 6. "Allowable city service" for purposes of this section shall mean
11 (i) all service while employed by the city of New York or by the New
12 York city health and hospitals corporation in a title whose duties are
13 those of an emergency medical technician or advanced emergency medical
14 technician, as those terms are defined in section three thousand one of
15 the public health law; and (ii) all such service in a title whose duties
16 require the supervision of employees whose duties are those of an emer-
17 gency medical technician or advanced emergency medical technician, as
18 those terms are defined in section three thousand one of the public
19 health law; and (iii) all service while employed by the city of New York
20 or by the New York city health and hospitals corporation in the title
21 motor vehicle operator.

22 b. Participation in twenty-two year retirement program. 1. Subject to
23 the provisions of paragraphs five and six of this subdivision, any
24 person who is an EMT member on the starting date of the twenty-two year
25 retirement program may elect to become a participant in the twenty-two
26 year retirement program by filing, within one hundred eighty days after
27 the starting date of the twenty-two year retirement program, a duly
28 executed application for such participation with the retirement system
29 of which such person is a member, provided he or she is such an EMT
30 member on the date such application is filed.

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

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

41 4. Where any participant in the twenty-two year retirement program
42 shall cease to be employed as an EMT member, he or she shall cease to be
43 such a participant and, during any period in which such person is not so
44 employed, he or she shall not be a participant in the twenty-two year
45 retirement program and shall not be eligible for the benefits of subdi-
46 vision c of this section.

47 5. Where any participant in the twenty-two year retirement program
48 terminates service as an EMT member and returns to such service as an
49 EMT member at a later date, he or she shall again become such a partic-
50 ipant on that date.

51 6. Notwithstanding any other provision of law to the contrary, any
52 person who is eligible to become a participant in the twenty-two year
53 retirement program pursuant to paragraph one or two of this subdivision
54 for the full one hundred eighty day period provided for in such applica-
55 ble paragraph and who fails to timely file a duly executed application

1 for such participation with the retirement system, shall not thereafter
2 be eligible to become a participant in such program.

3 c. Service retirement benefits. 1. A participant in the twenty-two
4 year retirement program:

5 (i) who has completed twenty-two or more years of allowable city
6 service; and

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

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

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

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

28 (ii) an amount for each additional year of allowable city service, or
29 fraction thereof, beyond such required minimum period of service equal
30 to one and seven-tenths percent of the final average salary for such
31 allowable service during the period from the completion of twenty-two
32 years of allowable city service to the date of retirement.

33 d. Vesting. 1. A participant in the twenty-two year retirement program
34 who:

35 (i) discontinues service as an EMT member, other than by death or
36 retirement; and

37 (ii) prior to such discontinuance, completed five but less than twen-
38 ty-two years of allowable city service; and

39 (iii) does not withdraw in whole or in part his or her accumulated
40 member contributions pursuant to section 13-141 of this chapter, shall
41 be entitled to receive a deferred vested benefit as provided in this
42 subdivision.

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

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

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

54 e. Member contributions. 1. All EMT members of the twenty-two year
55 retirement program shall be required to make member contributions and
56 additional member contributions in accordance with and subject to the

1 same rights, privileges, obligations and procedures as govern the member
2 contribution and additional member contributions required by subdivision
3 d of section four hundred forty-five-e of the retirement and social
4 security law.

5 2. For the purpose of applying under this subdivision, such subdivi-
6 sion d of section four hundred forty-five-e of the retirement and social
7 security law to an EMT member of the twenty-two year retirement program
8 who is subject to the provisions of this section, and is not subject to
9 the provisions of article eleven of the retirement and social security
10 law, the term "credited service", as used in such subdivision, shall be
11 deemed to mean allowable city service.

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

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

1 without optional modification payable to a police officer, an investi-
2 gator member of the New York city employees' retirement system or a
3 firefighter shall equal that payable upon completion of thirty years of
4 service, except that the maximum service retirement benefit computed
5 without optional modification shall equal that payable upon completion
6 of thirty-two years of service.

7 § 3. Subdivision a of section 445 of the retirement and social securi-
8 ty law, as amended by chapter 476 of the laws of 2018, is amended to
9 read as follows:

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

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

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

49 § 445-j. Optional twenty-two year improved benefit retirement program
50 for EMT members. a. Definitions. The following words and phrases as
51 used in this section shall have the following meanings unless a differ-
52 ent meaning is plainly required by the context.

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

55 2. "EMT member" shall mean a member of the retirement system who is
56 subject to the provisions of this article, who is employed by the city

1 of New York or by the New York city health and hospitals corporation in
2 a title whose duties are those of an emergency medical technician or
3 advanced emergency medical technician, as those terms are defined in
4 section three thousand one of the public health law, or in a title whose
5 duties require the supervision of employees whose duties are those of an
6 emergency medical technician or advanced emergency medical technician,
7 as those terms are defined in section three thousand one of the public
8 health law.

9 3. "Twenty-two year improved benefit retirement program" shall mean
10 all the terms and conditions of this section.

11 4. "Starting date of the twenty-two year improved benefit retirement
12 program" shall mean the effective date of this section.

13 5. "Participant in the twenty-two year improved benefit retirement
14 program" shall mean any EMT member who, under the applicable provisions
15 of subdivision b of this section, is entitled to the rights, benefits
16 and privileges and is subject to the obligations of the twenty-two year
17 improved benefit retirement program, as applicable to him or her.

18 6. "Administrative code" shall mean the administrative code of the
19 city of New York.

20 7. "Accumulated deductions" shall mean accumulated deductions as
21 defined in subdivision eleven of section 13-101 of the administrative
22 code.

23 8. "Optional retirement provisions" shall mean the right to retire and
24 receive a retirement allowance under this section upon the completion of
25 twenty-two years of credited service.

26 9. "Allowable service as an EMT member" shall mean (i) all service as
27 an EMT member; and (ii) all service while employed by the city of New
28 York or by the New York city health and hospitals corporation in the
29 title motor vehicle operator.

30 b. Election of twenty-two year improved benefit retirement program.
31 1. Subject to the provisions of paragraphs five and six of this subdivi-
32 sion, any person who is an EMT member on the starting date of the twen-
33 ty-two year improved benefit retirement program may elect to become a
34 participant in the twenty-two year improved benefit retirement program
35 by filing, within one hundred eighty days after such starting date, a
36 duly executed application for such participation with the retirement
37 system, provided he or she is such an EMT member on the date such appli-
38 cation is filed.

39 2. Subject to the provision of paragraphs five and six of this subdivi-
40 vision, any person who becomes an EMT member after the starting date of
41 the twenty-two year improved benefit retirement program may elect to
42 become a participant in the twenty-two year improved benefit retirement
43 program by filing, within one hundred eighty days after becoming such an
44 EMT member, a duly executed application for such participation with the
45 retirement system, provided he or she is such an EMT member on the date
46 such application is filed.

47 3. Any election to be a participant in the twenty-two year improved
48 benefit retirement program shall be irrevocable.

49 4. Where any participant in the twenty-two year improved benefit
50 retirement program shall cease to hold a position as an EMT member, he
51 or she shall cease to be such a participant and, during any period in
52 which such a person does not hold such an EMT position, he or she shall
53 not be a participant in the twenty-two year improved benefit retirement
54 program and shall not be eligible for the benefits of subdivision c of
55 this section.

1 5. Where any participant in the twenty-two year improved benefit
2 retirement program terminates service as an EMT member and returns to
3 such service as an EMT member at a later date, he or she shall again
4 become such a participant on that date.

5 6. Notwithstanding any other provision of law to the contrary, any
6 person who is eligible to become a participant in the twenty-two year
7 improved benefit retirement program pursuant to paragraph one or two of
8 this subdivision for the full one hundred eighty day period provided for
9 in such applicable paragraph and who fails to timely file a duly
10 executed application for such participation with the retirement system,
11 shall not thereafter be eligible to become a participant in such
12 program.

13 c. Service retirement benefits. Notwithstanding any other provision of
14 law to the contrary, where a participant in the twenty-two year improved
15 benefit retirement program, who is otherwise qualified for a retirement
16 allowance pursuant to the optional retirement provision set forth in
17 subdivision a of this section, has made and/or paid, while he or she is
18 an EMT member, all additional member contributions and interest, if any,
19 required by subdivision d of this section, then:

20 1. that participant, while he or she remains participant, shall not be
21 subject to the provisions of subdivision a of section four hundred
22 forty-five of this article; and

23 2. if that participant, while such a participant, retires from
24 service, he or she shall not be subject to the provisions of section
25 four hundred forty-four of this article; and

26 3. his or her retirement allowance shall be an amount, on account of
27 this required minimum period of service, equal to the sum of (i) an
28 annuity which shall be the actuarial equivalent of the accumulated
29 deductions from his or her pay during such period, (ii) a pension for
30 increased-take-home-pay which shall be the actuarial equivalent of the
31 reserve for increased-take-home-pay to which he or she may be entitled,
32 for such period, and (iii) a pension which, when added to such annuity
33 and such pension for increased-take-home-pay, produces a retirement
34 allowance equal to fifty percent of his or her final average salary,
35 plus an amount for each additional year of allowable service as an EMT
36 member, or fraction thereof, beyond such required minimum period of
37 service equal to two percent of his or her final average salary for such
38 allowable service as an EMT member during the period from completion of
39 twenty-two years of allowable service as an EMT member to the date of
40 retirement but not to exceed more than five years of additional service
41 as an EMT member.

42 d. Additional member contributions. 1. In addition to the member
43 contributions required pursuant to section 13-125 or section 13-162 of
44 the administrative code, each participant in the twenty-two year
45 improved benefit retirement program shall contribute, subject to the
46 applicable provisions of section 13-125.2 of the administrative code, an
47 additional six and one-half percent of his or her compensation earned
48 from all credited service, as a participant in the twenty-two year
49 improved benefit retirement program, rendered on and after the starting
50 date of the improved benefit retirement program, and all allowable
51 service as an EMT member after such person ceases to be a participant,
52 but before he or she again becomes a participant pursuant to paragraph
53 five of subdivision b of this section. A participant in the twenty-two
54 year improved benefit retirement program shall contribute additional
55 member contributions until the later of the date as of which he or she
56 is eligible to retire with at least twenty-two years of allowable

1 service as an EMT member under such retirement program, or the first
2 anniversary of the starting date of the twenty-two year improved benefit
3 retirement program. The additional contributions required by this
4 section shall be in lieu of additional member contributions required by
5 section four hundred forty-five-d of this article, as added by chapter
6 ninety-six of the laws of nineteen hundred ninety-five, and shall be in
7 lieu of additional member contributions required by section four hundred
8 forty-five-e of this article, as added by chapter five hundred seventy-
9 seven of the laws of two thousand, and no member paying additional
10 contributions pursuant to this section shall be required to pay addi-
11 tional contributions pursuant to such subdivision d of section four
12 hundred forty-five-d of this article or pursuant to such subdivision d
13 of section four hundred forty-five-e of this article.

14 2. Commencing with the first full payroll period after each person
15 becomes a participant in the twenty-two year improved benefit retirement
16 program, additional member contributions at the rate specified in para-
17 graph one of this subdivision shall be deducted, subject to the applica-
18 ble provisions of section 13-125.2 of the administrative code, from the
19 compensation of such participant on each and every payroll of such
20 participant for each and every payroll period for which he or she is
21 such a participant.

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

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

29 (B) such interest on each amount of undeducted contributions shall
30 accrue from the end of the payroll period for which such amount would
31 have been deducted from compensation if he or she had been a participant
32 at the beginning of that payroll period and such deductions had been
33 required for such payroll period until such amount is paid to the
34 retirement system; and

35 (C) (1) interest on each such amount included in such participant's
36 contribution deficiency pursuant to this subparagraph shall be calcu-
37 lated as if such additional member contributions never had been paid by
38 such participant, and such interest shall accrue from the end of the
39 payroll period to which an amount of such additional member contribution
40 is attributable, compounded annually, until such amount is paid to the
41 retirement system;

42 (2) the rate of interest to be applied to each such amount during the
43 period for which interest accrues on that amount shall be equal to the
44 rate or rates of interest required by law to be used during that same
45 period to credit interest on the accumulated deductions of retirement
46 system members.

47 (ii) Except as provided in subparagraph (iii) of this paragraph, no
48 interest shall be due on any unpaid additional contributions which are
49 not attributable to the period prior to the first full payroll period
50 referred to in paragraph two of this subdivision.

51 (iii) Should any person who, pursuant to paragraph seven of this
52 subdivision, has withdrawn any additional member contributions and any
53 interest paid thereon, again become a participant in the twenty-two year
54 improved benefit retirement program pursuant to paragraph five of subdi-
55 vision b of this section, an appropriate amount shall be included in
56 such participant's contribution deficiency, including interest thereon

1 as calculated pursuant to subparagraph (ii) of this paragraph, for any
2 credited service with respect to which such person received a refund of
3 additional member contributions, including any amount of an unpaid loan
4 balance deemed to have been returned to such person pursuant to para-
5 graph seven of this subdivision, as if such additional member contrib-
6 utions never had been paid.

7 4. The board of trustees of the retirement system may, consistent with
8 the provisions of this subdivision, promulgate regulations for the
9 payment of the additional member contributions required by this subdivi-
10 sion, and any interest thereon, by a participant in the twenty-two year
11 improved benefit retirement program, including the deduction of such
12 contributions, and any interest thereon, from his or her compensation.

13 5. Where a participant who is otherwise eligible for service retire-
14 ment pursuant to subdivision c of this section did not, prior to the
15 effective date of retirement, pay the entire amount of a contribution
16 deficiency chargeable to him or her pursuant to paragraph three of this
17 subdivision, or repay the entire amount of a loan of his or her addi-
18 tional member contributions pursuant to paragraph eight of this subdivi-
19 sion, including accrued interest on such loan, that participant, never-
20 theless, shall be eligible to retire pursuant to subdivision c of this
21 section, provided, however, that where such participant is not entitled
22 to a refund of additional member contributions pursuant to paragraph
23 seven of this subdivision, such participant's service retirement benefit
24 calculated pursuant to the applicable provisions of subdivision c of
25 this section shall be reduced by a life annuity, calculated in accord-
26 ance with the method set forth in subdivision i of section six hundred
27 thirteen-b of this chapter, which is actuarially equivalent to:

28 (i) the amount of any unpaid contribution deficiency chargeable to
29 such member pursuant to paragraph three of this subdivision; plus

30 (ii) the amount of any unpaid balance 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.

33 6. Subject to the provisions of paragraph five of this subdivision,
34 where a participant has not paid in full any contribution deficiency
35 chargeable to him or her pursuant to paragraph three of this subdivi-
36 sion, and a benefit, other than a refund of a member's accumulated
37 deductions or a refund of additional member contributions pursuant to
38 paragraph seven of this subdivision, becomes payable by the retirement
39 system to the participant or to his or her designated beneficiary or
40 estate, the actuarial equivalent of any such unpaid amount shall be
41 deducted from the benefit otherwise payable.

42 7. (i) All additional member contributions required by this subdivi-
43 sion, and any interest thereon, which are received by the retirement
44 system shall be paid into its contingent reserve fund and shall be the
45 property of the retirement system. Such additional member contributions,
46 and any interest thereon, shall not for any purpose be deemed to be
47 member contributions or accumulated deductions of a member of the
48 retirement system under section 13-125 or section 13-162 of the adminis-
49 trative code while he or she is a participant in the twenty-two year
50 improved benefit retirement program or otherwise.

51 (ii) Should a participant in the twenty-two year improved benefit
52 retirement program, who has rendered less than fifteen years of credited
53 service cease to hold a position as an EMT member for any reason whatso-
54 ever, his or her accumulated additional member contributions made pursu-
55 ant to this subdivision, together with any interest thereon paid to the
56 retirement system, which remain credited to such participant's account

1 may be withdrawn by him or her pursuant to procedures promulgated in
2 regulations of the board of trustees of the retirement system, together
3 with interest thereon at the rate of interest required by law to be used
4 to credit interest on the accumulated deductions of retirement system
5 members compounded annually.

6 (iii) Notwithstanding any other provision of law to the contrary, (A)
7 no person shall be permitted to withdraw from the retirement system any
8 additional member contributions paid pursuant to this subdivision or any
9 interest paid thereon, except pursuant to and in accordance with the
10 preceding subparagraphs of this paragraph; and (B) no person, while he
11 or she is a participant in the twenty-two year improved benefit retire-
12 ment program, shall be permitted to withdraw any such additional member
13 contributions or any interest paid thereon pursuant to any of the
14 preceding subparagraphs of this paragraph or otherwise.

15 8. A participant in the twenty-two year improved benefit retirement
16 program shall be permitted to borrow from his or her additional member
17 contributions, including any interest paid thereon, which are credited
18 to the additional contributions account established for such participant
19 in the contingent reserve fund of the retirement system. The borrowing
20 from such additional member contributions pursuant to this paragraph
21 shall be governed by the same rights, privileges, obligations and proce-
22 dures set forth in section six hundred thirteen-b of this chapter which
23 govern the borrowing by members subject to article fifteen of this chap-
24 ter of member contributions made pursuant to section six hundred thir-
25 teen of this chapter. The board of trustees of the retirement system
26 may, consistent with the provisions of this subdivision, promulgate
27 regulations governing the borrowing of such additional member contrib-
28 utions.

29 9. Wherever a person has an unpaid balance of a loan of his or her
30 additional member contributions pursuant to paragraph eight of this
31 subdivision at the time he or she becomes entitled to a refund of his or
32 her additional member contributions pursuant to subparagraph (ii) of
33 paragraph seven of this subdivision, the amount of such unpaid loan
34 balance, including accrued interest, shall be deemed to have been
35 returned to such member, and the refund of such additional contributions
36 shall be the net amount of such contributions, together with interest
37 thereon in accordance with the provisions of such subparagraph.

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

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

45 e. The provisions of this section shall not be construed to provide
46 benefits to any participant in the twenty-two year improved benefit
47 retirement program which are greater than those which would be received
48 by a similarly situated member who is entitled to benefits under the
49 provisions of section 13-157.5 of the administrative code, but who is
50 not governed by the provisions of this article.

51 § 5. Paragraph 3 of subdivision b of section 604-e of the retirement
52 and social security law, as added by chapter 577 of the laws of 2000, is
53 amended to read as follows:

54 3. Each EMT member, other than an EMT member subject to paragraph one
55 or two of this subdivision, who [~~becomes~~] ~~became~~ subject to the
56 provisions of this article on or after the starting date of the twenty-

1 five year retirement program and prior to the starting date of the twenty-two year retirement program provided for in section six hundred four-j of this article shall ~~[become]~~ continue to be a participant in
2 the twenty-five year retirement program ~~[on the date he or she becomes such an EMT member]~~, unless such person elects to become a member of the twenty-two year retirement program in accordance with the conditions and terms of such section six hundred four-j. Provided, however, a person
3 subject to this paragraph, and who has exceeded age twenty-five upon
4 employment as an EMT member, shall be exempt from participation in the
5 improved twenty-five year retirement program if such person elects not
6 to participate by filing a duly executed form with the retirement system
7 within one hundred eighty days of becoming an EMT member.

8 § 6. The retirement and social security law is amended by adding a new
9 section 604-j to read as follows:

10 § 604-j. Twenty-two year retirement program for EMT members. a. Definitions. The following words and phrases as used in this section shall have the following meanings unless a different meaning is plainly required by the context.

11 1. "EMT member" shall mean a member of the New York city employees' retirement system who is employed by the city of New York or by the New York city health and hospitals corporation in a title whose duties are those of an emergency medical technician or an advanced emergency medical technician, as those terms are defined in section three thousand one of the public health law, or in a title whose duties require the supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician, as those terms are defined in section three thousand one of the public health law.

12 2. "Twenty-two year retirement program" shall mean all the terms and conditions of this section.

13 3. "Starting date of the twenty-two year retirement program" shall mean the effective date of this section.

14 4. "Participant in the twenty-two year retirement program" shall mean any EMT member who, under the applicable provisions of subdivision b of this section, is entitled to the rights, benefits and privileges and is subject to the obligations of the twenty-two year retirement program, as applicable to him or her.

15 5. "Discontinued member" shall mean a participant in the twenty-two year retirement program who, while he or she was an EMT member, discontinued service as such a member and has a right to a deferred vested benefit under subdivision d of this section.

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

17 7. "Allowable service as an EMT member" shall mean (i) all service as an EMT member; and (ii) all service while employed by the city of New York or by the New York city health and hospitals corporation in the title motor vehicle operator.

18 b. Participation in the twenty-two year retirement program. 1. Subject to the provisions of paragraphs six and seven of this subdivision, any person who is an EMT member on the starting date of the twenty-two year retirement program and who, as such an EMT member or otherwise, last became subject to the provisions of this article prior to such starting date, may elect to become a participant in the twenty-two year retirement program by filing, within one hundred eighty days after such starting date, a duly executed application for such participation with the retirement system of which such person is a member, provided he or she is such an EMT member on the date such application is filed. An EMT

1 member who elects to become a member of the twenty-two year retirement
2 program pursuant to this paragraph shall cease to be a member of the
3 twenty-five year retirement program provided for in section six hundred
4 four-e of this article, as added by chapter five hundred seventy-seven
5 of the laws of two thousand.

6 2. Subject to the provisions of paragraphs six and seven of this
7 subdivision, any person who becomes an EMT member after the starting
8 date of the twenty-two year retirement program and who, as such an EMT
9 member or otherwise, last became subject to the provisions of this arti-
10 cle prior to such starting date, may elect to become a participant in
11 the twenty-two year retirement program by filing, within one hundred
12 eighty days after becoming such an EMT member, a duly executed applica-
13 tion for such participation with the retirement system for which such
14 person is a member, provided he or she is such an EMT member on the date
15 such application is filed. An EMT member who elects to become a member
16 of the twenty-two year retirement program pursuant to this paragraph
17 shall cease to be a member of the twenty-five year retirement program
18 provided for in section six hundred four-e of this article, as added by
19 chapter five hundred seventy-seven of the laws of two thousand.

20 3. Any election to be a participant in the twenty-two year retirement
21 program shall be irrevocable.

22 4. Each EMT member who becomes subject to the provisions of this arti-
23 cle on or after the starting date of the twenty-two year retirement
24 program shall become a participant in the twenty-two year retirement
25 program on the date he or she becomes an EMT member.

26 5. Where any participant in the twenty-two year retirement program
27 shall cease to hold a position as an EMT member, he or she shall cease
28 to be such a participant and, during any period in which such person
29 does not hold such an EMT position, he or she shall not be a participant
30 in the twenty-two year retirement program and shall not be eligible for
31 the benefits of subdivision c of this section.

32 6. Where any participant in the twenty-two year retirement program
33 terminates service as an EMT member and returns to such service as an
34 EMT member at a later date, he or she shall again become such a partic-
35 ipant on that date.

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

43 c. Service retirement benefits. 1. A participant in the twenty-two
44 year retirement program:

45 (i) who has completed twenty-two or more years of credited service;
46 and

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

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

54 (iv) who shall be a participant in the twenty-two year retirement
55 program at the time so specified for his or her retirement; shall be

1 retired pursuant to the provisions of this section affording early
2 service retirement.

3 2. Notwithstanding any other provision of law to the contrary, and
4 subject to the provisions of paragraph six of subdivision e of this
5 section, the service retirement benefit for participants in the twenty-
6 two year retirement program who retire pursuant to paragraph one of this
7 subdivision shall be a retirement allowance consisting of:

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

10 (ii) an amount on account of allowable service as an EMT member, or
11 fraction thereof, beyond such required minimum period of service equal
12 to two percent of his or her final salary as an EMT member during the
13 period from the completion of twenty-two years of allowable service as
14 an EMT member to the date of retirement but not to exceed more than five
15 years of additional service as an EMT member.

16 d. Vesting. 1. A participant in the twenty-two year retirement
17 program:

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

20 (ii) in the case of a participant who is not a New York city revised
21 plan member, who prior to such discontinuance, completed five but less
22 than twenty-two years of allowable service as an EMT member, and in the
23 case of a New York city revised plan member, who prior to such discon-
24 tinuance, completed ten but less than twenty-two years of allowable
25 service as an EMT member; and

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

30 (iv) who does not withdraw in whole or in part his or her accumulated
31 member contributions pursuant to section six hundred thirteen of this
32 article unless such participant thereafter returns to public service and
33 repays the amounts so withdrawn, together with interest, pursuant to
34 such section six hundred thirteen;

35 shall be entitled to receive a deferred vested benefit as provided in
36 this subdivision.

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

40 (ii) In the case of a participant who is not a New York city revised
41 plan member, such vested benefit shall become payable on the earliest
42 date on which such discontinued member could have retired for service if
43 such discontinuance had not occurred, or, in the case of a participant
44 who is a New York city revised plan member, such vested benefit shall
45 become payable at age sixty-three.

46 3. Subject to the provisions of paragraph seven of subdivision e of
47 this section, such deferred vested benefit shall be a retirement allow-
48 ance consisting of an amount equal to two percent of such discontinued
49 member's final average salary, multiplied by the number of years of
50 allowable service as an EMT member.

51 e. Additional member contributions. 1. In addition to the member
52 contributions required by section six hundred thirteen of this article,
53 each participant in the twenty-two year retirement program shall
54 contribute to the retirement system of which he or she is a member,
55 subject to the applicable provisions of subdivision d of section six
56 hundred thirteen of this article, an additional six and one-half percent

1 of his or compensation earned from (i) all allowable service, as a
2 participant in the twenty-two year retirement program, rendered on or
3 after the starting date of the twenty-two year retirement program, and
4 (ii) all allowable service after such person ceases to be a participant,
5 but before he or she again becomes a participant pursuant to paragraph
6 six of subdivision b of this section. The additional contributions
7 required by this section shall be in lieu of additional member contrib-
8 utions required by subdivision d of section six hundred four-c of this
9 chapter as added by chapter ninety-six of the laws of nineteen hundred
10 ninety-five, and shall be in lieu of additional member contributions
11 required by subdivision e of section six hundred four-e of this chapter
12 as added by chapter five hundred seventy-seven of the laws of two thou-
13 sand, and no member making additional contributions pursuant to this
14 section shall be required to make contributions pursuant to such subdivi-
15 sion d of section six hundred four-c of this article or such subdivi-
16 sion e of section six hundred four-e of this article.

17 2. A participant in the twenty-two year retirement program shall
18 contribute additional member contributions until the later of (i) the
19 first anniversary of the starting date of the twenty-two year retirement
20 program, or (ii) the date on which he or she completes thirty years of
21 credited service as an EMT member.

22 3. Commencing with the first full payroll period after each person
23 becomes a participant in the twenty-two year retirement program, addi-
24 tional member contributions at the rate specified in paragraph one of
25 this subdivision shall be deducted, subject to the applicable provisions
26 of subdivision d of section six hundred thirteen of this article, from
27 the compensation of such participant on each and every payroll of such
28 participant for each and every payroll period for which he or she is
29 such a participant.

30 4. (i) Each participant in the twenty-two year retirement program
31 shall be charged with a contribution deficiency consisting of the total
32 amounts of additional member contributions such person is required to
33 make pursuant to paragraphs one and two of this subdivision which are
34 not deducted from his or her compensation pursuant to paragraph three of
35 this subdivision, if any, together with interest thereon, compounded
36 annually, and computed in accordance with the provisions of subpara-
37 graphs (ii) and (iii) of this paragraph.

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

44 (B) The rate of interest to be applied to each such amount during the
45 period for which interest accrues on that amount shall be equal to the
46 rate or rates of interest required by law to be used during that same
47 period to credit interest on the accumulated deductions of retirement
48 system members.

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

53 5. (i) Should any person who, pursuant to subparagraph (ii) of para-
54 graph ten of this subdivision, has received a refund of his or her addi-
55 tional member contributions including any interest paid on such contrib-
56 utions, again become a participant in the twenty-two year retirement

1 program pursuant to paragraph six of subdivision b of this section, an
2 appropriate amount shall be included in such participant's contribution
3 deficiency, including interest thereon as calculated pursuant to subpar-
4 agraph (ii) of this paragraph, for any credited service for which such
5 person received a refund of such additional member contributions,
6 including any amount of an unpaid loan balance deemed to have been
7 returned to such person pursuant to paragraph twelve of this subdivi-
8 sion, as if such additional member contributions never had been paid.

9 (ii) (A) Interest on a participant's additional member contributions
10 included in such participant's contribution deficiency pursuant to
11 subparagraph (i) of this paragraph shall be calculated as if such addi-
12 tional member contributions had never been paid by such participant, and
13 such interest shall accrue from the end of the payroll period to which
14 an amount of such additional member contributions is attributable, until
15 such amount is paid to the retirement system.

16 (B) The rate of interest to be applied to such amount during the peri-
17 od for which interest accrues on that amount shall be five percent per
18 annum, compounded annually.

19 6. Where a participant who is otherwise eligible for service retire-
20 ment pursuant to subdivision c of this section did not, prior to the
21 effective date of retirement, pay the entire amount of a contribution
22 deficiency chargeable to him or her pursuant to paragraphs four and five
23 of this subdivision, or repay the entire amount of a loan of his or her
24 additional member contributions pursuant to paragraph eleven of this
25 subdivision, including accrued interest on such loan, that participant,
26 nevertheless, shall be eligible to retire pursuant to subdivision c of
27 this section, provided, however, that such participant's service retire-
28 ment benefit calculated pursuant to paragraph two of such subdivision c
29 shall be reduced by a life annuity, calculated in accordance with the
30 method set forth in subdivision i of section six hundred thirteen-b of
31 this article, which is actuarially equivalent to:

32 (i) the amount of any unpaid contribution deficiency chargeable to
33 such member pursuant to paragraphs four and five of this subdivision;
34 plus

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

38 7. Where a participant who is otherwise eligible for a vested right to
39 a deferred benefit pursuant to subdivision d of this section did not,
40 prior to the date of discontinuance of service, pay the entire amount of
41 a contribution deficiency chargeable to him or her pursuant to para-
42 graphs four and five of this subdivision, or repay the entire amount of
43 a loan of his or her additional member contributions pursuant to para-
44 graph eleven of this subdivision, including accrued interest on such
45 loan, that participant, nevertheless, shall have a vested right to a
46 deferred benefit pursuant to subdivision d of this section provided,
47 however, that the deferred vested benefit calculated pursuant to para-
48 graph three of subdivision d of this section shall be reduced by a life
49 annuity, calculated in accordance with the method set forth in subdivi-
50 sion i of section six hundred thirteen-b of this article, which is actu-
51 arily equivalent to:

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

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

1 8. The head of a retirement system which includes participants in the
2 twenty-two year retirement program in its membership may, consistent
3 with the provisions of this subdivision, promulgate regulations for the
4 payment of such additional member contributions, and any interest there-
5 on, by such participants, including the deduction of such contributions,
6 and any interest thereon, from the participant's compensation.

7 9. Subject to the provisions of paragraphs six and seven of this
8 subdivision, where a participant has not paid in full any contribution
9 deficiency chargeable to him or her pursuant to paragraphs four and five
10 of this subdivision, and a benefit, other than a refund of member
11 contributions pursuant to section six hundred thirteen of this article
12 or a refund of additional member contributions pursuant to subparagraph
13 (ii) of paragraph ten of this subdivision, becomes payable under this
14 article to the participant or to his or her designated beneficiary or
15 estate, the actuarial equivalent of any such unpaid amount shall be
16 deducted from the benefit otherwise payable.

17 10. (i) Such additional member contributions, and any interest there-
18 on, shall be paid into the contingent reserve fund of the retirement
19 system of which the participant is a member and shall not for any
20 purpose be deemed to be member contributions or accumulated contrib-
21 utions of a member under section six hundred thirteen of this article or
22 otherwise while he or she is a participant in the twenty-two year
23 retirement program or otherwise.

24 (ii) Should a participant in the twenty-two year retirement program
25 who has rendered less than fifteen years of credited service cease to
26 hold a position as an EMT member for any reason whatsoever, his or her
27 accumulated additional member contributions made pursuant to this subdivi-
28 vision, together with any interest thereon paid to the retirement
29 system, may be withdrawn by him or her pursuant to procedures promulgat-
30 ed in regulations of the board of trustees of the retirement system,
31 together with interest thereon at the rate of five percent per annum,
32 compounded annually.

33 (iii) Notwithstanding any other provision of law to the contrary, (A)
34 no person shall be permitted to withdraw from the retirement system any
35 additional member contributions paid pursuant to this subdivision or any
36 interest paid thereon, except pursuant to and in accordance with the
37 preceding subparagraphs of this paragraph; and (B) no person, while he
38 or she is a participant in the twenty-two year retirement program, shall
39 be permitted to withdraw any such additional member contributions or any
40 interest paid thereon pursuant to any of the preceding subparagraphs of
41 this paragraph or otherwise.

42 11. A participant in the twenty-two year retirement program shall be
43 permitted to borrow from his or her additional member contributions,
44 including any interest paid thereon, which are credited to the addi-
45 tional contributions account established for such participant in the
46 contingent reserve fund of the retirement system. The borrowing from
47 such additional member contributions pursuant to this paragraph shall be
48 governed by the rights, privileges, obligations and procedures set forth
49 in section six hundred thirteen-b of this article which govern the
50 borrowing of member contributions made pursuant to section six hundred
51 thirteen of this article. The board of trustees of the retirement system
52 may, consistent with the provisions of this subdivision and the
53 provisions of section six hundred thirteen-b of this article as made
54 applicable to this subdivision, promulgate regulations governing the
55 borrowing of such additional member contributions.

1 12. Whenever a person has an unpaid balance of a loan or his or her
2 additional member contributions pursuant to paragraph eleven of this
3 subdivision at the time he or she becomes entitled to a refund of his or
4 her additional member contributions pursuant to subparagraph (ii) of
5 paragraph ten of this subdivision, the amount of such unpaid loan
6 balance, including accrued interest shall be deemed to have been
7 returned to such member, and the refund of such additional contributions
8 shall be the net amount of such contribution, together with interest
9 thereon in accordance with the provisions of such subparagraph (ii).

10 § 7. Paragraph 7 of subdivision d of section 613 of the retirement and
11 social security law, as amended by chapter 577 of the laws of 2000, is
12 amended to read as follows:

13 7. (i) The city of New York shall, in the case of an EMT member (as
14 defined in paragraph one of subdivision a of section six hundred four-e
15 of this article) who is a participant in the twenty-five year retirement
16 program (as defined in paragraph four of subdivision a of such section
17 six hundred four-e), and in the case of an EMT member (as defined in
18 paragraph one of subdivision a of section six hundred four-j of this
19 article) who is a participant in the twenty-two year retirement program
20 (as defined in paragraph four of subdivision a of such section six
21 hundred four-j), and who is not rendered ineligible for such pick ups by
22 another provision of law, pick up and pay to the retirement system of
23 which such participant is a member all additional member contributions
24 which otherwise would be required to be deducted from such member's
25 compensation pursuant to paragraphs one and two of subdivision e of
26 ~~[such]~~ section six hundred four-e of this article, or pursuant to para-
27 graphs one and two of subdivision e of section six hundred four-j of
28 this article, (not including any additional member contributions due for
29 any period prior to the first full payroll period referred to in such
30 paragraph three of such subdivision e), and shall effect such pick up on
31 each and every payroll of such participant for each and every payroll
32 period with respect to which such paragraph three would otherwise
33 require such deductions.

34 (ii) An amount equal to the amount of additional contributions picked
35 up pursuant to this paragraph shall be deducted by such employer from
36 the compensation of such member (as such compensation would be in the
37 absence of a pick up program applicable to him or her hereunder) and
38 shall not be paid to such member.

39 (iii) The additional member contributions picked up pursuant to this
40 paragraph for any such member shall be paid by such employer in lieu of
41 an equal amount of additional member contributions otherwise required to
42 be paid by such member under the applicable provisions of subdivision e
43 of section six hundred four-e of this article, and shall be deemed to be
44 and treated as employer contributions pursuant to section 414(h) of the
45 Internal Revenue Code.

46 (iv) For the purpose of determining the retirement system rights,
47 benefits and privileges of any member whose additional member contribu-
48 tions are picked up pursuant to this paragraph, such picked up addi-
49 tional member contributions shall be deemed to be and treated as part of
50 such member's additional member contributions under the applicable
51 provisions of subdivision e of section six hundred four-e and subdivi-
52 sion e of section six hundred four-j of this article.

53 (v) With the exception of federal income tax treatment, the additional
54 member contributions picked up pursuant to subparagraph (i) of this
55 paragraph shall for all other purposes, including computation of retire-
56 ment benefits and contributions by employers and employees, be deemed

1 employee salary. Nothing contained in this subdivision shall be
2 construed as superseding the provisions of section four hundred thirty-
3 one of this chapter, or any similar provision of law which limits the
4 salary base for computing retirement benefits payable by a public
5 retirement system.

6 § 8. Section 13-125.2 of the administrative code of the city of New
7 York is amended by adding two new subdivisions a-9 and a-10 to read as
8 follows:

9 a-9. Notwithstanding any other provision of law to the contrary, on or
10 after the starting date for pick up, the employer responsible for pick
11 up shall, in the case of an EMT member, as defined in paragraph one of
12 subdivision a of section 13-157.5 of this chapter, who is a participant
13 in the twenty-two year improved benefit retirement program, as defined
14 in paragraph two of such subdivision a, pick up and pay to the retire-
15 ment system all additional member contributions which otherwise would be
16 required to be deducted from such member's compensation pursuant to
17 subdivision e of such section 13-157.5, and shall effect such pick up on
18 each and every payroll of such participant for each and every payroll
19 period with respect to which such subdivision e would otherwise require
20 such deductions.

21 a-10. Notwithstanding any other provision of law to the contrary, on
22 or after the starting date for pick up, the employer responsible for
23 pick up shall, in the case of an EMT member, as defined in paragraph two
24 of subdivision a of section four hundred forty-five-j of the retirement
25 and social security law, who is a participant in the twenty-two year
26 improved benefit retirement program, as defined in paragraph three of
27 such subdivision a, pick up and pay to the retirement system all addi-
28 tional member contributions which otherwise would be required to be
29 deducted from such member's compensation pursuant to subdivision d of
30 such section four hundred forty-five-j, and shall effect such pick up on
31 each and every payroll of such participant for each and every payroll
32 period with respect to which such subdivision d would otherwise require
33 such deductions.

34 § 9. Subparagraph (ii) of paragraph 1 of subdivision c of section
35 13-125.2 of the administrative code of the city of New York, as amended
36 by chapter 682 of the laws of 2003, is amended to read as follows:

37 (ii) the determination of the amount of such member's Tier I or Tier
38 II nonuniformed-force member contributions eligible for pick up by the
39 employer or additional member contributions required to be picked up
40 pursuant to subdivision a-one, subdivision a-two, subdivision a-three,
41 subdivision a-four, subdivision a-five, subdivision a-six, subdivision
42 a-seven ~~[or]~~, subdivision a-eight, subdivision a-nine, or subdivision
43 a-ten of this section; and

44 § 10. Subdivision d of section 13-125.2 of the administrative code of
45 the city of New York is amended by adding two new paragraphs 2-h and 2-i
46 to read as follows:

47 (2-h) For the purpose of determining the retirement system rights,
48 benefits and privileges of any member who is a participant in the twen-
49 ty-two year retirement program, as defined in paragraph two of subdivi-
50 sion a of section 13-157.5 of this chapter, the additional member
51 contributions of such participant picked up pursuant to subdivision
52 a-nine of this section shall be deemed to be and treated as a part of
53 such member's additional contributions under subdivision e of such
54 section 13-157.5.

55 (2-i) For the purpose of determining the retirement system rights,
56 benefits and privileges of any member who is a participant in the twen-

ty-two year improved benefit retirement program, as defined in paragraph three of subdivision a of section four hundred forty-five-j of the retirement and social security law, the additional member contributions of such participant picked up pursuant to subdivision a-ten of this section shall be deemed to be and treated as a part of such member's additional member contributions under subdivision d of section four hundred forty-five-j of the retirement and social security law.

§ 11. Paragraph 3 of subdivision d of section 13-125.2 of the administrative code of the city of New York, as amended by chapter 682 of the laws of 2003, is amended to read as follows:

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

§ 12. Subdivision a of section 603 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article ~~[or]~~, subdivision c of section six hundred four-j of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system before April first, two thousand twelve may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service, provided further that the ~~[the]~~ preceding provisions of this subdivision shall not apply to a New York city revised plan member.

§ 13. Subdivision d of section 613 of the retirement and social security law is amended by adding a new paragraph 12 to read as follows:

12. (i) The city of New York shall, in the case of an EMT member, as defined in paragraph one of subdivision a of section six hundred four-j of this article, who is a participant in the twenty-two year retirement program, as defined in paragraph four of subdivision a of such section six hundred four-j, pick up and pay to the retirement system of which such participant is a member all additional member contributions which otherwise would be required to be deducted from such member's compensation pursuant to paragraphs one and two of subdivision e of such section six hundred four-j, not including any additional member contributions due for any period prior to the first full payroll period referred to in such paragraph three of such subdivision e, and shall effect such pick up on each and every payroll of such participant for each and every payroll period with respect to which such paragraph three would otherwise require such deductions.

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

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

(iv) For the purpose of determining the retirement system rights, benefits and privileges of any member whose additional member contributions are picked up pursuant to this paragraph, such picked up additional member contributions shall be deemed to be and treated as part of such member's additional member contributions under the applicable provisions of subdivision e of section six hundred four-j of this article.

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

§ 14. Nothing contained in sections seven and twelve of this act shall be construed to create any contractual right with respect to members to whom such sections apply. The provisions of such sections are intended to afford members the advantages of certain benefits contained in the internal revenue code, and the effectiveness and existence of such sections and benefits they confer are completely contingent thereon.

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

(a) The provisions of sections seven, twelve and thirteen of this act shall remain in force and effect only so long as, pursuant to federal law, contributions picked up under such section are not includable as gross income of a member for federal income tax purposes until distributed or made available to the member; provided that the New York city

1 employees' retirement system shall notify the legislative bill drafting
2 commission upon the occurrence of such a change in federal law ruling
3 affecting the provisions of this act in order that the commission may
4 maintain an accurate and timely effective data base of the official text
5 of the laws of the state of New York in furtherance of effectuating the
6 provisions of section 44 of the legislative law and section 70-b of the
7 public officers law;

8 (b) The amendments to subdivision d of section 613 of the retirement
9 and social security law made by sections seven and thirteen of this act
10 shall not affect the expiration of such subdivision and shall expire
11 therewith;

12 (c) The amendments to section 13-125.2 of the administrative code of
13 the city of New York made by sections eight, nine, ten and eleven of
14 this act shall not affect the expiration of such section and shall be
15 deemed to expire therewith; and

16 (d) The amendments to subdivision a of section 603 of the retirement
17 and social security law made by section twelve of this act shall not
18 affect the expiration of such subdivision and shall be deemed to expire
19 therewith.

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

SUMMARY OF BILL: This proposed legislation would amend certain provisions of the Retirement and Social Security Law (RSSL) and the Administrative Code of the City of New York (ACCNY), add RSSL Sections 445-j and 604-j, and add ACCNY Section 13-157.5 to establish a 22-Year Retirement Program for Emergency Medical Technicians (EMT 22-Year Plan) for each tier.

Effective Date: Upon enactment.

BACKGROUND: Members whose duties are one of the following are eligible to participate in the EMT 22-Year Plan:

- * Emergency Medical Technician,
- * Advanced Emergency Medical Technician,
- * Supervisor of employees whose duties are those of an emergency medical technician, and
- * Supervisor of employees whose duties are those of an advanced emergency medical technician.

For the purposes of this Fiscal Note, these members are collectively referred to as "Emergency Medical Technicians" (EMTs).

Participation in an applicable EMT 22-Year Plan is optional for anyone who is eligible to participate in such 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 who subsequently becomes employed as an EMT has 180 days from the date of employment as an EMT to elect to join the applicable EMT 22-Year Plan.

Any EMT who becomes a NYCERS member after the date of enactment is mandated into the Tier 6 EMT 22-Year Plan.

IMPACT ON BENEFITS: Currently, EMTs generally participate in one of the existing NYCERS 25-Year Retirement Programs for EMTs. Since there are no Tier 1 EMT members and only one active Tier 2 EMT, the following summary of the EMT 22-Year Plan is limited to Tier 4 and Tier 6 members.

The proposed legislation, if enacted, would provide the following benefits to EMTs under the EMT 22-Year Plan:

- * Service retirement benefit:
 - o 50% of Final Average Salary (FAS) for the first 22 years of Allowable Service, plus

o 2% of FAS for each additional year of Allowable Service, or fraction thereof, exceeding 22 years up to a maximum of 27 years of such service.

* Final Average Salary:

o Tier 4 - Three Year Average (FAS3).

o Tier 6 - Five Year Average (FAS5).

* Vested benefit:

o Eligibility:

☐ Tier 4 - At least five, but less than 22, years of allowable service.

☐ Tier 6 - At least 10, but less than 22, years of allowable service.

o Payable at:

☐ Tier 4 - The date the member would have completed 22 years of allowable service.

☐ Tier 6 - Age 63.

o Amount:

☐ 2% of FAS for each year of allowable service.

* Allowable Service: All service as an EMT member and service while employed by the city of New York or by the New York City Health and Hospitals Corporation in the title motor vehicle operator.

* Other benefits: Members of the proposed EMT 22-Year Plans 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 EMT 22-Year Plan are required to make, in addition to the Tier 4 Basic Member Contributions (BMC) of 3%, which are generally paid for a period of 10 years, and the Tier 6 BMC ranging from 3% to 6% depending on defined salary levels, Additional Member Contributions (AMC) equal to 6.50% of compensation for all service as a Plan participant on and after the starting date of the Plan until the later of the one-year anniversary of the effective date of the Plans or 30 years of credited service. EMTs who participate in one of the existing NYCERS 25-Year Retirement Programs are currently required to make AMC of 6.25%.

FINANCIAL IMPACT - PRESENT VALUES: Based on the anticipated group of members joining the EMT 22-Year Plans and the actuarial assumptions and methods described herein, the enactment of this proposed legislation would increase the Present Value of Future Benefits (PVFB) by approximately \$122.1 million, and decrease the Present Value of member contributions by approximately \$22.0 million. The net result is an increase in the Present Value of future employer contributions of approximately \$144.1 million.

Under the Entry Age Normal cost method used to determine the employer contributions to NYCERS, there would be an increase in the Unfunded Accrued Liability (UAL) of approximately \$84.3 million and an increase in the Present Value of future employer Normal Cost of \$59.8 million.

FINANCIAL IMPACT - ANNUAL EMPLOYER CONTRIBUTIONS: In accordance with Section 13-638.2(k-2) of the ACCNY, new UAL attributable to benefit changes are to be amortized as determined by the Actuary, but are generally amortized over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2019, the remaining working lifetime of the EMTs assumed to join the EMT 22-Year Plan is approximately 13 years.

For the purposes of this Fiscal Note, the increase in UAL was amortized over a 13-year period (12 payments under the One-Year Lag Methodology (OYLM)) using level dollar payments. This payment plus the increase in the Normal Cost results in an increase in annual employer contributions of approximately \$19.8 million each year.

CONTRIBUTION TIMING: For the purposes of this Fiscal Note, it is assumed that the changes in the Present Value of future employer contributions and annual employer contributions would be reflected for the first time in the June 30, 2020 actuarial valuation of NYCERS. In accordance with the OYLM used to determine employer contributions, the increase in employer contributions would first be reflected in Fiscal Year 2022.

CENSUS DATA: The estimates presented herein are based on the census data used in the Preliminary June 30, 2019 (Lag) actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2021 employer contributions.

The 3,722 NYCERS EMTs as of June 30, 2019 assumed to join the EMT 22-Year Plans had an average age of approximately 36.3 years, average service of approximately 8.5 years, and an average salary of approximately \$59,200.

ACTUARIAL ASSUMPTIONS AND METHODS: The changes in the Present Value of future employer contributions and annual employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2019 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2021 employer contributions of NYCERS.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the realization of the actuarial assumptions used, as well as certain demographic characteristics of NYCERS and other exogenous factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Costs are also dependent on the actuarial methods used, and therefore different actuarial methods could produce different results. Quantifying these risks is beyond the scope of this Fiscal Note.

Not measured in this Fiscal Note are the following:

- * The initial, additional administrative costs to implement the proposed legislation.

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

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of Actuaries, an Enrolled Actuary under the Employee Retirement Income and Security Act of 1974, a Member of the American Academy of Actuaries, and a Fellow of the Conference of Consulting Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of my knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2020-48 dated June 1, 2020 was prepared by the Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2020 Legislative Session.