

# STATE OF NEW YORK

7973--A

2021-2022 Regular Sessions

## IN ASSEMBLY

June 4, 2021

Introduced by M. of A. ABBATE, GRIFFIN, PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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

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

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

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

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

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

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

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

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

54 6. Notwithstanding any other provision of law to the contrary, any  
55 person who is eligible to become a participant in the twenty-two year  
56 retirement program pursuant to paragraph one or two of this subdivision

1 for the full one hundred eighty day period provided for in such applica-  
2 ble paragraph and who fails to timely file a duly executed application  
3 for such participation with the retirement system, shall not thereafter  
4 be eligible to become a participant in such program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 e. Member contributions. 1. All EMT members of the twenty-two year  
2 retirement program shall be required to make member contributions and  
3 additional member contributions in accordance with and subject to the  
4 same rights, privileges, obligations and procedures as govern the member  
5 contribution and additional member contributions required by subdivision  
6 d of section four hundred forty-five-e of the retirement and social  
7 security law.

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

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

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

1 contributions required by subdivision d of such section four hundred  
2 forty-five-d shall be subject to the maximum retirement benefit computa-  
3 tions set forth in this section. The maximum retirement benefit computed  
4 without optional modification payable to a police officer, an investi-  
5 gator member of the New York city employees' retirement system or a  
6 firefighter shall equal that payable upon completion of thirty years of  
7 service, except that the maximum service retirement benefit computed  
8 without optional modification shall equal that payable upon completion  
9 of thirty-two years of service.

10 § 3. Subdivision a of section 445 of the retirement and social securi-  
11 ty law, as amended by chapter 245 of the laws of 2021, is amended to  
12 read as follows:

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

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

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

54 § 445-j. Optional twenty-two year improved benefit retirement program  
55 for EMT members. a. Definitions. The following words and phrases as

1 used in this section shall have the following meanings unless a differ-  
2 ent meaning is plainly required by the context.

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

5 2. "EMT member" shall mean a member of the retirement system who is  
6 subject to the provisions of this article, who is employed by the city  
7 of New York or by the New York city health and hospitals corporation in  
8 a title whose duties are those of an emergency medical technician or  
9 advanced emergency medical technician, as those terms are defined in  
10 section three thousand one of the public health law, or in a title whose  
11 duties require the supervision of employees whose duties are those of an  
12 emergency medical technician or advanced emergency medical technician,  
13 as those terms are defined in section three thousand one of the public  
14 health law.

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

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

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

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

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

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

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

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

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

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

55 4. Where any participant in the twenty-two year improved benefit  
56 retirement program shall cease to hold a position as an EMT member, he

1 or she shall cease to be such a participant and, during any period in  
2 which such a person does not hold such an EMT position, he or she shall  
3 not be a participant in the twenty-two year improved benefit retirement  
4 program and shall not be eligible for the benefits of subdivision c of  
5 this section.

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

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

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

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

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

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

47 d. Additional member contributions. 1. In addition to the member  
48 contributions required pursuant to section 13-125 or section 13-162 of  
49 the administrative code, each participant in the twenty-two year  
50 improved benefit retirement program shall contribute, subject to the  
51 applicable provisions of section 13-125.2 of the administrative code, an  
52 additional six and one-half percent of his or her compensation earned  
53 from all credited service, as a participant in the twenty-two year  
54 improved benefit retirement program, rendered on and after the starting  
55 date of the improved benefit retirement program, and all allowable  
56 service as an EMT member after such person ceases to be a participant,

1 but before he or she again becomes a participant pursuant to paragraph  
2 five of subdivision b of this section. A participant in the twenty-two  
3 year improved benefit retirement program shall contribute additional  
4 member contributions until the later of the date as of which he or she  
5 is eligible to retire with at least twenty-two years of allowable  
6 service as an EMT member under such retirement program, or the first  
7 anniversary of the starting date of the twenty-two year improved benefit  
8 retirement program. The additional contributions required by this  
9 section shall be in lieu of additional member contributions required by  
10 section four hundred forty-five-d of this article, as added by chapter  
11 ninety-six of the laws of nineteen hundred ninety-five, and shall be in  
12 lieu of additional member contributions required by section four hundred  
13 forty-five-e of this article, as added by chapter five hundred seventy-  
14 seven of the laws of two thousand, and no member paying additional  
15 contributions pursuant to this section shall be required to pay addi-  
16 tional contributions pursuant to such subdivision d of section four  
17 hundred forty-five-d of this article or pursuant to such subdivision d  
18 of section four hundred forty-five-e of this article.

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

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

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

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

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

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

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

1 (iii) Should any person who, pursuant to paragraph seven of this  
2 subdivision, has withdrawn any additional member contributions and any  
3 interest paid thereon, again become a participant in the twenty-two year  
4 improved benefit retirement program pursuant to paragraph five of subdivi-  
5 vision b of this section, an appropriate amount shall be included in  
6 such participant's contribution deficiency, including interest thereon  
7 as calculated pursuant to subparagraph (ii) of this paragraph, for any  
8 credited service with respect to which such person received a refund of  
9 additional member contributions, including any amount of an unpaid loan  
10 balance deemed to have been returned to such person pursuant to para-  
11 graph seven of this subdivision, as if such additional member contrib-  
12 utions never had been paid.

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

19 5. 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 paragraph three of this  
23 subdivision, or repay the entire amount of a loan of his or her addi-  
24 tional member contributions pursuant to paragraph eight of this subdivi-  
25 sion, including accrued interest on such loan, that participant, never-  
26 theless, shall be eligible to retire pursuant to subdivision c of this  
27 section, provided, however, that where such participant is not entitled  
28 to a refund of additional member contributions pursuant to paragraph  
29 seven of this subdivision, such participant's service retirement benefit  
30 calculated pursuant to the applicable provisions of subdivision c of  
31 this section shall be reduced by a life annuity, calculated in accord-  
32 ance with the method set forth in subdivision i of section six hundred  
33 thirteen-b of this chapter, which is actuarially equivalent to:

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

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

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

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

1 (ii) Should a participant in the twenty-two year improved benefit  
2 retirement program, who has rendered less than fifteen years of credited  
3 service cease to hold a position as an EMT member for any reason whatso-  
4 ever, his or her accumulated additional member contributions made pursu-  
5 ant to this subdivision, together with any interest thereon paid to the  
6 retirement system, which remain credited to such participant's account  
7 may be withdrawn by him or her pursuant to procedures promulgated in  
8 regulations of the board of trustees of the retirement system, together  
9 with interest thereon at the rate of interest required by law to be used  
10 to credit interest on the accumulated deductions of retirement system  
11 members compounded annually.

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

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

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

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

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

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

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

4 3. Each EMT member, other than an EMT member subject to paragraph one  
5 or two of this subdivision, who [~~becomes~~] became subject to the  
6 provisions of this article on or after the starting date of the twenty-  
7 five year retirement program and prior to the starting date of the twen-  
8 ty-two year retirement program provided for in section six hundred  
9 four-j of this article shall [~~become~~] continue to be a participant in  
10 the twenty-five year retirement program [~~on the date he or she becomes~~  
11 ~~such an EMT member~~], unless such person elects to become a member of the  
12 twenty-two year retirement program in accordance with the conditions and  
13 terms of such section six hundred four-j. Provided, however, a person  
14 subject to this paragraph, and who has exceeded age twenty-five upon  
15 employment as an EMT member, shall be exempt from participation in the  
16 improved twenty-five year retirement program if such person elects not  
17 to participate by filing a duly executed form with the retirement system  
18 within one hundred eighty days of becoming an EMT member.

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

21 § 604-j. Twenty-two year retirement program for EMT members. a. Defi-  
22 initions. The following words and phrases as used in this section shall  
23 have the following meanings unless a different meaning is plainly  
24 required by the context.

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

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

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

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

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

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

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

53 b. Participation in the twenty-two year retirement program. 1. Subject  
54 to the provisions of paragraphs six and seven of this subdivision, any  
55 person who is an EMT member on the starting date of the twenty-two year  
56 retirement program and who, as such an EMT member or otherwise, last

1 became subject to the provisions of this article prior to such starting  
2 date, may elect to become a participant in the twenty-two year retire-  
3 ment program by filing, within one hundred eighty days after such start-  
4 ing date, a duly executed application for such participation with the  
5 retirement system of which such person is a member, provided he or she  
6 is such an EMT member on the date such application is filed. An EMT  
7 member who elects to become a member of the twenty-two year retirement  
8 program pursuant to this paragraph shall cease to be a member of the  
9 twenty-five year retirement program provided for in section six hundred  
10 four-e of this article, as added by chapter five hundred seventy-seven  
11 of the laws of two thousand.

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

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

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

32 5. Where any participant in the twenty-two year retirement program  
33 shall cease to hold a position as an EMT member, he or she shall cease  
34 to be such a participant and, during any period in which such person  
35 does not hold such an EMT position, he or she shall not be a participant  
36 in the twenty-two year retirement program and shall not be eligible for  
37 the benefits of subdivision c of this section.

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

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

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

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

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

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

5 (iv) who shall be a participant in the twenty-two year retirement  
6 program at the time so specified for his or her retirement; shall be  
7 retired pursuant to the provisions of this section affording early  
8 service retirement.

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

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

16 (ii) an amount on account of allowable service as an EMT member, or  
17 fraction thereof, beyond such required minimum period of service equal  
18 to two percent of his or her final salary as an EMT member during the  
19 period from the completion of twenty-two years of allowable service as  
20 an EMT member to the date of retirement but not to exceed more than five  
21 years of additional service as an EMT member.

22 d. Vesting. 1. A participant in the twenty-two year retirement  
23 program:

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

26 (ii) in the case of a participant who is not a New York city revised  
27 plan member, who prior to such discontinuance, completed five but less  
28 than twenty-two years of allowable service as an EMT member, and in the  
29 case of a New York city revised plan member, who prior to such discon-  
30 tinuance, completed ten but less than twenty-two years of allowable  
31 service as an EMT member; and

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

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

41 shall be entitled to receive a deferred vested benefit as provided in  
42 this 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) In the case of a participant who is not a New York city revised  
47 plan member, such vested benefit shall become payable on the earliest  
48 date on which such discontinued member could have retired for service if  
49 such discontinuance had not occurred, or, in the case of a participant  
50 who is a New York city revised plan member, such vested benefit shall  
51 become payable at age sixty-three.

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

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

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

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

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

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

50 (B) The rate of interest to be applied to each such amount during the  
51 period for which interest accrues on that amount shall be equal to the  
52 rate or rates of interest required by law to be used during that same  
53 period to credit interest on the accumulated deductions of retirement  
54 system members.

55 (iii) Except as otherwise provided in paragraph five of this subdivi-  
56 sion, no interest shall be due on any unpaid additional member contrib-

1 utions which are not attributable to a period prior to the first full  
2 payroll period referred to in paragraph three of this subdivision.

3 5. (i) Should any person who, pursuant to subparagraph (ii) of para-  
4 graph ten of this subdivision, has received a refund of his or her addi-  
5 tional member contributions including any interest paid on such contrib-  
6 utions, again become a participant in the twenty-two year retirement  
7 program pursuant to paragraph six of subdivision b of this section, an  
8 appropriate amount shall be included in such participant's contribution  
9 deficiency, including interest thereon as calculated pursuant to subpar-  
10 agraph (ii) of this paragraph, for any credited service for which such  
11 person received a refund of such additional member contributions,  
12 including any amount of an unpaid loan balance deemed to have been  
13 returned to such person pursuant to paragraph twelve of this subdivi-  
14 sion, as if such additional member contributions never had been paid.

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

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

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

38 (i) the amount of any unpaid contribution deficiency chargeable to  
39 such member pursuant to paragraphs four and five of this subdivision;  
40 plus

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

44 7. Where a participant who is otherwise eligible for a vested right to  
45 a deferred benefit pursuant to subdivision d of this section did not,  
46 prior to the date of discontinuance of service, pay the entire amount of  
47 a contribution deficiency chargeable to him or her pursuant to para-  
48 graphs four and five of this subdivision, or repay the entire amount of  
49 a loan of his or her additional member contributions pursuant to para-  
50 graph eleven of this subdivision, including accrued interest on such  
51 loan, that participant, nevertheless, shall have a vested right to a  
52 deferred benefit pursuant to subdivision d of this section provided,  
53 however, that the deferred vested benefit calculated pursuant to para-  
54 graph three of subdivision d of this section shall be reduced by a life  
55 annuity, calculated in accordance with the method set forth in subdivi-

1 sion i of section six hundred thirteen-b of this article, which is actu-  
2 arially equivalent to:

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

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

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

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

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

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

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

49 11. A participant in the twenty-two year retirement program shall be  
50 permitted to borrow from his or her additional member contributions,  
51 including any interest paid thereon, which are credited to the addi-  
52 tional contributions account established for such participant in the  
53 contingent reserve fund of the retirement system. The borrowing from  
54 such additional member contributions pursuant to this paragraph shall be  
55 governed by the rights, privileges, obligations and procedures set forth  
56 in section six hundred thirteen-b of this article which govern the

borrowing of member contributions made pursuant to section six hundred thirteen of this article. The board of trustees of the retirement system may, consistent with the provisions of this subdivision and the provisions of section six hundred thirteen-b of this article as made applicable to this subdivision, promulgate regulations governing the borrowing of such additional member contributions.

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

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

7. (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-e of this article) who is a participant in the twenty-five year retirement program (as defined in paragraph four of subdivision a of such section six hundred four-e), and 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), and who is not rendered ineligible for such pick ups by another provision of law, 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-e of this article, or pursuant to paragraphs one and two of subdivision e of section six hundred four-j of this article, (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-e 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

1 provisions of subdivision e of section six hundred four-e and subdivi-  
2 sion e of section six hundred four-j of this article.

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

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

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

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

40 § 9. Subparagraph (ii) of paragraph 1 of subdivision c of section  
41 13-125.2 of the administrative code of the city of New York, as amended  
42 by chapter 682 of the laws of 2003, is amended to read as follows:

43 (ii) the determination of the amount of such member's Tier I or Tier  
44 II nonuniformed-force member contributions eligible for pick up by the  
45 employer or additional member contributions required to be picked up  
46 pursuant to subdivision a-one, subdivision a-two, subdivision a-three,  
47 subdivision a-four, subdivision a-five, subdivision a-six, subdivision  
48 a-seven [~~or~~], subdivision a-nine, or subdivision  
49 a-ten of this section; and

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

53 (2-h) For the purpose of determining the retirement system rights,  
54 benefits and privileges of any member who is a participant in the twen-  
55 ty-two year retirement program, as defined in paragraph two of subdivi-  
56 sion a of section 13-157.5 of this chapter, the additional member

1 contributions of such participant picked up pursuant to subdivision  
2 a-nine of this section shall be deemed to be and treated as a part of  
3 such member's additional contributions under subdivision e of such  
4 section 13-157.5.

5 (2-i) For the purpose of determining the retirement system rights,  
6 benefits and privileges of any member who is a participant in the twen-  
7 ty-two year improved benefit retirement program, as defined in paragraph  
8 three of subdivision a of section four hundred forty-five-j of the  
9 retirement and social security law, the additional member contributions  
10 of such participant picked up pursuant to subdivision a-ten of this  
11 section shall be deemed to be and treated as a part of such member's  
12 additional member contributions under subdivision d of section four  
13 hundred forty-five-j of the retirement and social security law.

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

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

29 § 12. Subdivision a of section 603 of the retirement and social secu-  
30 rity law, as amended by chapter 18 of the laws of 2012, is amended to  
31 read as follows:

32 a. The service retirement benefit specified in section six hundred  
33 four of this article shall be payable to members who have met the mini-  
34 mum service requirements upon retirement and attainment of age sixty-  
35 two, other than members who are eligible for early service retirement  
36 pursuant to subdivision c of section six hundred four-b of this article,  
37 subdivision c of section six hundred four-c of this article, subdivision  
38 d of section six hundred four-d of this article, subdivision c of  
39 section six hundred four-e of this article, subdivision c of section six  
40 hundred four-f of this article, subdivision c of section six hundred  
41 four-g of this article, subdivision c of section six hundred four-h of  
42 this article [~~ex~~], subdivision c of section six hundred four-i of this  
43 article, or subdivision c of section six hundred four-j of this article,  
44 provided, however, a member of a teachers' retirement system or the New  
45 York state and local employees' retirement system who first joins such  
46 system before January first, two thousand ten or a member who is a  
47 uniformed court officer or peace officer employed by the unified court  
48 system who first becomes a member of the New York state and local  
49 employees' retirement system before April first, two thousand twelve may  
50 retire without reduction of his or her retirement benefit upon attain-  
51 ment of at least fifty-five years of age and completion of thirty or  
52 more years of service, provided, however, that a uniformed court officer  
53 or peace officer employed by the unified court system who first becomes  
54 a member of the New York state and local employees' retirement system on  
55 or after January first, two thousand ten and retires without reduction  
56 of his or her retirement benefit upon attainment of at least fifty-five

1 years of age and completion of thirty or more years of service pursuant  
2 to this section shall be required to make the member contributions  
3 required by subdivision f of section six hundred thirteen of this arti-  
4 cle for all years of credited and creditable service, provided further  
5 that the [~~the~~] preceding provisions of this subdivision shall not apply  
6 to a New York city revised plan member.

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

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

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

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

35 (iv) For the purpose of determining the retirement system rights,  
36 benefits and privileges of any member whose additional member contrib-  
37 utions are picked up pursuant to this paragraph, such picked up addi-  
38 tional member contributions shall be deemed to be and treated as part of  
39 such member's additional member contributions under the applicable  
40 provisions of subdivision e of section six hundred four-j of this arti-  
41 cle.

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

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

- 1 § 15. This act shall take effect immediately, provided, however that:  
2 (a) The provisions of sections seven, twelve and thirteen of this act  
3 shall remain in force and effect only so long as, pursuant to federal  
4 law, contributions picked up under such section are not includable as  
5 gross income of a member for federal income tax purposes until distrib-  
6 uted or made available to the member; provided that the New York city  
7 employees' retirement system shall notify the legislative bill drafting  
8 commission upon the occurrence of such a change in federal law ruling  
9 affecting the provisions of this act in order that the commission may  
10 maintain an accurate and timely effective data base of the official text  
11 of the laws of the state of New York in furtherance of effectuating the  
12 provisions of section 44 of the legislative law and section 70-b of the  
13 public officers law;  
14 (b) The amendments to subdivision d of section 613 of the retirement  
15 and social security law made by sections seven and thirteen of this act  
16 shall not affect the expiration of such subdivision and shall expire  
17 therewith;  
18 (c) The amendments to section 13-125.2 of the administrative code of  
19 the city of New York made by sections eight, nine, ten and eleven of  
20 this act shall not affect the expiration of such section and shall be  
21 deemed to expire therewith; and  
22 (d) The amendments to subdivision a of section 603 of the retirement  
23 and social security law made by section twelve of this act shall not  
24 affect the expiration of such subdivision and shall be deemed to expire  
25 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 Plans:

- \* 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 of 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 Plans 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 Plan 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 \$157.7 million and decrease the Present Value of member contributions by approximately \$32.0 million. The net result is an increase in the Present Value of future employer contributions of approximately \$189.7 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 \$106.3 million and an increase in the Present Value of future employer Normal Cost of \$83.4 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, 2021, the remaining working lifetime of the EMTs assumed to join the EMT 22-Year Plans 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 \$24.3 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 Preliminary June 30, 2022 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 2024.

**CENSUS DATA:** The estimates presented herein are based on the census data used in the Preliminary June 30, 2021 (Lag) actuarial valuation of NYCERS to determine the Preliminary Fiscal Year 2023 employer contributions.

The 3,872 NYCERS EMTs as of June 30, 2021 assumed to join the EMT 22-Year Plans had an average age of approximately 35.5 years, average service of approximately 8.5 years, and an average salary of approximately \$63,300.

**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 Preliminary June 30, 2021 (Lag) actuarial valuations used to determine the Preliminary Fiscal Year 2023 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, Michael J. Samet, am the Interim Chief Actuary for, and independent of, the New York City Retirement Systems and Pension Funds. I am a Fellow of the Society of 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. 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 2022-54 dated May 17, 2022 was prepared by the Interim Chief Actuary for the New York City Employees' Retirement System. This estimate is intended for use only during the 2022 Legislative Session.