

# STATE OF NEW YORK

6988--B

2021-2022 Regular Sessions

## IN SENATE

May 20, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors

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

1 Section 1. Subdivision a of section 444 of the retirement and social  
2 security law, as amended by section 141 of subpart B of part C of chap-  
3 ter 62 of the laws of 2011, is amended to read as follows:  
4 a. Except as provided in subdivision c of section four hundred forty-  
5 five-a of this article, subdivision c of section four hundred forty-  
6 five-b of this article, subdivision c of section four hundred forty-  
7 five-c of this article, subdivision c of section four hundred  
8 forty-five-d of this article as added by chapter four hundred seventy-  
9 two of the laws of nineteen hundred ninety-five, subdivision c of  
10 section four hundred forty-five-e of this article, subdivision c of  
11 section four hundred forty-five-f of this article [~~and~~], subdivision c  
12 of section four hundred forty-five-h of this article and subdivision c  
13 of section four hundred forty-five-j of this article, the maximum  
14 retirement benefit computed without optional modification provided to a  
15 member of a retirement system who is subject to the provisions of this  
16 article, other than a police officer, a firefighter, an investigator  
17 member of the New York city employees' retirement system, a member of

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

LBD08561-06-2

1 the uniformed personnel in institutions under the jurisdiction of the  
2 New York city department of correction who receives a performance of  
3 duty disability retirement allowance, a member of the uniformed person-  
4 nel in institutions under the jurisdiction of the department of  
5 corrections and community supervision or a security hospital treatment  
6 assistant, as those terms are defined in subdivision i of section eight-  
7 y-nine of this chapter, who receives a performance of duty disability  
8 retirement allowance, a member of a teachers' retirement system, New  
9 York city employees' retirement system, New York city board of education  
10 retirement system or a member of the New York state and local employees'  
11 retirement system or a member of the New York city employees' retirement  
12 system or New York city board of education retirement system employed as  
13 a special officer, parking control specialist, school safety agent,  
14 campus peace officer, taxi and limousine inspector or a police communi-  
15 cations member and who receives a performance of duty disability  
16 pension, from funds other than those based on a member's own or  
17 increased-take-home-pay contributions, shall, before any reduction for  
18 early retirement, be sixty per centum of the first fifteen thousand  
19 three hundred dollars of final average salary, and fifty per centum of  
20 final average salary in excess of fifteen thousand three hundred  
21 dollars, and forty per centum of final average salary in excess of twen-  
22 ty-seven thousand three hundred dollars, provided, however, that the  
23 benefits provided by subdivision c of section four hundred forty-five-d  
24 of this article as added by chapter four hundred seventy-two of the laws  
25 of nineteen hundred ninety-five based upon the additional member  
26 contributions required by subdivision d of such section four hundred  
27 forty-five-d shall be subject to the maximum retirement benefit computa-  
28 tions set forth in this section. The maximum retirement benefit computed  
29 without optional modification payable to a police officer, an investi-  
30 gator member of the New York city employees' retirement system or a  
31 firefighter shall equal that payable upon completion of thirty years of  
32 service, except that the maximum service retirement benefit computed  
33 without optional modification shall equal that payable upon completion  
34 of thirty-two years of service.

35 § 2. Subdivision a of section 445 of the retirement and social securi-  
36 ty law, as amended by chapter 245 of the laws of 2021, is amended to  
37 read as follows:

38 a. No member of a retirement system who is subject to the provisions  
39 of this article shall retire without regard to age, exclusive of retire-  
40 ment for disability, unless he or she is a police officer, an investi-  
41 gator member of the New York city employees' retirement system, fire-  
42 fighter, correction officer, a qualifying member as defined in section  
43 eighty-nine-t, as added by chapter six hundred fifty-seven of the laws  
44 of nineteen hundred ninety-eight, of this chapter, sanitation worker, a  
45 special officer (including persons employed by the city of New York in  
46 the title urban park ranger or associate urban park ranger), school  
47 safety agent, campus peace officer or a taxi and limousine commission  
48 inspector member of the New York city employees' retirement system or  
49 the New York city board of education retirement system, a dispatcher  
50 member of the New York city employees' retirement system, a police  
51 communications member of the New York city employees' retirement system,  
52 an EMT member of the New York city employees' retirement system, a depu-  
53 ty sheriff member of the New York city employees' retirement system, a  
54 fire protection inspector member of the New York city employees' retire-  
55 ment system, a correction officer of the Westchester county correction  
56 department as defined in section eighty-nine-e of this chapter or

1 employed in Suffolk county as a peace officer, as defined in section  
2 eighty-nine-s, as added by chapter five hundred eighty-eight of the laws  
3 of nineteen hundred ninety-seven, of this chapter, employed in Suffolk  
4 county as a correction officer, as defined in section eighty-nine-f of  
5 this chapter, or employed in Nassau county as a correction officer,  
6 uniformed correction division personnel, sheriff, undersheriff or deputy  
7 sheriff, as defined in section eighty-nine-g of this chapter, or  
8 employed in Nassau county as an ambulance medical technician, an ambu-  
9 lance medical technician/supervisor or a member who performs ambulance  
10 medical technician related services, or a police medic, police medic  
11 supervisor or a member who performs police medic related services, as  
12 defined in section eighty-nine-s, as amended by chapter five hundred  
13 seventy-eight of the laws of nineteen hundred ninety-eight, of this  
14 chapter, or employed in Nassau county as a peace officer, as defined in  
15 section eighty-nine-s, as added by chapter five hundred ninety-five of  
16 the laws of nineteen hundred ninety-seven, of this chapter, or employed  
17 in Albany county as a sheriff, undersheriff, deputy sheriff, correction  
18 officer or identification officer, as defined in section eighty-nine-h  
19 of this chapter or is employed in St. Lawrence county as a sheriff,  
20 undersheriff, deputy sheriff or correction officer, as defined in  
21 section eighty-nine-i of this chapter or is employed in Orleans county  
22 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
23 defined in section eighty-nine-l of this chapter or is employed in  
24 Jefferson county as a sheriff, undersheriff, deputy sheriff or  
25 correction officer, as defined in section eighty-nine-j of this chapter  
26 or is employed in Onondaga county as a deputy sheriff-jail division  
27 competitively appointed or as a correction officer, as defined in  
28 section eighty-nine-k of this chapter or is employed in a county which  
29 makes an election under subdivision j of section eighty-nine-p of this  
30 chapter as a sheriff, undersheriff, deputy sheriff or correction officer  
31 as defined in such section eighty-nine-p or is employed in Broome County  
32 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
33 defined in section eighty-nine-m of this chapter or is a Monroe county  
34 deputy sheriff-court security, or deputy sheriff-jailor as defined in  
35 section eighty-nine-n, as added by chapter five hundred ninety-seven of  
36 the laws of nineteen hundred ninety-one, of this chapter or is employed  
37 in Greene county as a sheriff, undersheriff, deputy sheriff or  
38 correction officer, as defined in section eighty-nine-o of this chapter  
39 or is a traffic officer with the town of Elmira as defined in section  
40 eighty-nine-q of this chapter or is employed by Suffolk county as a park  
41 police officer, as defined in section eighty-nine-r of this chapter or  
42 is a peace officer employed by a county probation department as defined  
43 in section eighty-nine-t, as added by chapter six hundred three of the  
44 laws of nineteen hundred ninety-eight, of this chapter or is employed in  
45 Rockland county as a deputy sheriff-civil as defined in section eighty-  
46 nine-v of this chapter as added by chapter four hundred forty-one of the  
47 laws of two thousand one, or is employed in Rockland county as a superi-  
48 or correction officer as defined in section eighty-nine-v of this chap-  
49 ter as added by chapter five hundred fifty-six of the laws of two thou-  
50 sand one or is a paramedic employed by the police department in the town  
51 of Tonawanda and retires under the provisions of section eighty-nine-v  
52 of this chapter, as added by chapter four hundred seventy-two of the  
53 laws of two thousand one, or is a county fire marshal, supervising fire  
54 marshal, fire marshal, assistant fire marshal, assistant chief fire  
55 marshal or chief fire marshal employed by the county of Nassau as  
56 defined in section eighty-nine-w of this chapter and is in a plan which

1 permits immediate retirement upon completion of a specified period of  
2 service without regard to age. Except as provided in subdivision c of  
3 section four hundred forty-five-a of this article, subdivision c of  
4 section four hundred forty-five-b of this article, subdivision c of  
5 section four hundred forty-five-c of this article, subdivision c of  
6 section four hundred forty-five-d of this article, subdivision c of  
7 section four hundred forty-five-e of this article, subdivision c of  
8 section four hundred forty-five-f of this article [~~and~~], subdivision c  
9 of section four hundred forty-five-h of this article, and subdivision c  
10 of section four hundred forty-five-j of this article, a member in such a  
11 plan and such an occupation, other than a police officer or investigator  
12 member of the New York city employees' retirement system or a firefight-  
13 er, shall not be permitted to retire prior to the completion of twenty-  
14 five years of credited service; provided, however, if such a member in  
15 such an occupation is in a plan which permits retirement upon completion  
16 of twenty years of service regardless of age, he or she may retire upon  
17 completion of twenty years of credited service and prior to the  
18 completion of twenty-five years of service, but in such event the bene-  
19 fit provided from funds other than those based on such a member's own  
20 contributions shall not exceed two per centum of final average salary  
21 per each year of credited service.

22 § 3. The retirement and social security law is amended by adding a new  
23 section 445-j to read as follows:

24 § 445-j. Optional twenty-five year improved benefit retirement program  
25 for fire protection inspector members. a. Definitions. The following  
26 words and phrases as used in this section shall have the following mean-  
27 ings unless a different meaning is plainly required by the context.

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

30 2. "Fire protection inspector member" shall mean (i) a member of the  
31 retirement system who is subject to the provisions of this article, who  
32 is employed by the city of New York or by the New York city fire depart-  
33 ment in a title whose duties are those of a fire protection inspector or  
34 associate fire protection inspector; and (ii) a member of the retirement  
35 system who, on the effective date of this section or thereafter, was  
36 employed by the city of New York or by the New York city fire department  
37 in a title whose duties are those of a fire protection inspector or  
38 associate fire protection inspector and who, subsequent thereto, became  
39 employed by the city of New York or by the New York city fire department  
40 in a title whose duties require the supervision of employees whose  
41 duties are those of a fire protection inspector or associate fire  
42 protection inspector.

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

45 4. "Starting date of the twenty-five year improved benefit retirement  
46 program" shall mean the effective date of this section, as such date is  
47 certified pursuant to section forty-one of the legislative law.

48 5. "Participant in the twenty-five year improved benefit retirement  
49 program" shall mean any fire protection inspector member who, under the  
50 applicable provisions of subdivision b of this section, is entitled to  
51 the rights, benefits and privileges and is subject to the obligations of  
52 the twenty-five year improved benefit retirement program, as applicable  
53 to him or her.

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

1 7. "Accumulated deductions" shall mean accumulated deductions as  
2 defined in subdivision eleven of section 13-101 of the administrative  
3 code.

4 8. "Optional retirement provisions" shall mean the right to retire and  
5 receive a retirement allowance under this section upon the completion of  
6 twenty-five years of credited service.

7 9. "Credited service" for purposes of this section shall mean all  
8 service as a fire protection inspector member.

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

10 1. Subject to the provisions of paragraphs five and six of this subdivi-  
11 sion, any person who is a fire protection inspector member on the start-  
12 ing date of the twenty-five year improved benefit retirement program may  
13 elect to become a participant in the twenty-five year improved benefit  
14 retirement program by filing, within one hundred eighty days after such  
15 starting date, a duly executed application for such participation with  
16 the retirement system, provided he or she is such a fire protection  
17 inspector member on the date such application is filed.

18 2. Subject to the provision of paragraphs five and six of the this  
19 subdivision, any person who becomes a fire protection inspector member  
20 after the starting date of the twenty-five year improved benefit retire-  
21 ment program may elect to become a participant in the twenty-five year  
22 improved benefit retirement program by filing, within one hundred eighty  
23 days after becoming such a fire protection inspector member, a duly  
24 executed application for such participation with the retirement system,  
25 provided he or she is such a fire protection inspector member on the  
26 date such application is filed.

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

29 4. Where any participant in the twenty-five year improved benefit  
30 retirement program shall cease to hold a position as a fire protection  
31 inspector member, he or she shall cease to be such a participant and,  
32 during any period in which such a person does not hold such a fire  
33 protection inspector position, he or she shall not be a participant in  
34 the twenty-five year improved benefit retirement program and shall not  
35 be eligible for the benefits of subdivision c of this section.

36 5. Where any participant in the twenty-five year improved benefit  
37 retirement program terminates service as a fire protection inspector  
38 member and returns to such service as a fire protection inspector member  
39 at a later date, he or she shall again become such a participant on that  
40 date.

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

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

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

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

7 3. his or her retirement allowance shall be an amount, on account of  
8 the required minimum period of service, equal to the sum of (i) an annu-  
9 ity which shall be the actuarial equivalent of the accumulated  
10 deductions from his or her pay during such period, (ii) a pension for  
11 increased-take-home-pay which shall be the actuarial equivalent of the  
12 reserve for increased-take-home-pay to which he or she may be entitled,  
13 for such period, and (iii) a pension which, when added to such annuity  
14 and such pension for increased-take-home-pay, produces a retirement  
15 allowance equal to fifty percent of his or her final average salary,  
16 plus an amount for each additional year of allowable service as a fire  
17 protection inspector member, or fraction thereof, beyond such required  
18 minimum period of service equal to two percent of his or her final aver-  
19 age salary for such allowable service as a fire protection inspector  
20 member during the period from completion of twenty-five years of allow-  
21 able service as a fire protection inspector member to the date of  
22 retirement but not to exceed more than five years of additional service  
23 as a fire protection inspector member.

24 d. Additional member contributions. 1. In addition to the member  
25 contributions required pursuant to section 13-125 or 13-162 of the  
26 administrative code, each participant in the twenty-five year improved  
27 benefit retirement program shall contribute, subject to the applicable  
28 provisions of section 13-125.2 of the administrative code, an additional  
29 six and twenty-five one-hundredths percent of his or her compensation  
30 earned from all allowable service as a fire protection inspector member,  
31 as a participant in the twenty-five year improved benefit retirement  
32 program, rendered on and after the starting date of the improved benefit  
33 retirement program, and all allowable service as a fire protection  
34 inspector member after such person ceases to be a participant, but  
35 before he or she again becomes a participant pursuant to paragraph five  
36 of subdivision b of this section. A participant in the twenty-five year  
37 improved benefit retirement program shall contribute additional member  
38 contributions until the later of the date as of which he or she is  
39 eligible to retire with thirty years of allowable service as a fire  
40 protection inspector member under such retirement program, or the first  
41 anniversary of the starting date of the twenty-five year improved bene-  
42 fit retirement program. The additional contributions required by this  
43 section shall be in lieu of additional member contributions required by  
44 subdivision d of section four hundred forty-five-d of this chapter, as  
45 added by chapter ninety-six of the laws of nineteen hundred ninety-five,  
46 and no member paying additional contributions pursuant to this section  
47 shall be required to pay additional contributions pursuant to such  
48 subdivision d of section four hundred forty-five-d of this article.

49 2. Commencing with the first full payroll period after each person  
50 becomes a participant in the twenty-five year improved benefit retire-  
51 ment program, additional member contributions at the rate specified in  
52 paragraph one of this subdivision shall be deducted, subject to the  
53 applicable provisions of section 13-125.2 of the administrative code,  
54 from the compensation of such participant on each and every payroll of  
55 such participant for each and every payroll period for which he or she  
56 is such a participant.

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

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

8 (B) such interest on each amount of undeducted contributions shall  
9 accrue from the end of the payroll period for which such amount would  
10 have been deducted from compensation if he or she had been a participant  
11 at the beginning of that payroll period and such deductions had been  
12 required for such payroll period until such amount is paid to the  
13 retirement system; and

14 (C) (1) interest on each such amount included in such participant's  
15 contribution deficiency pursuant to this subparagraph shall be calcu-  
16 lated as if such additional member contributions never had been paid by  
17 such participant, and such interest shall accrue from the end of the  
18 payroll period to which an amount of such additional member contribution  
19 is attributable, compounded annually, until such amount is paid to the  
20 retirement system;

21 (2) the rate of interest to be applied to each such amount during the  
22 period for which interest accrues on that amount shall be equal to the  
23 rate or rates of interest required by law to be used during that same  
24 period to credit interest on the accumulated deductions of retirement  
25 system members;

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

30 (iii) Should any person who, pursuant to paragraph seven of this  
31 subdivision has withdrawn any additional member contributions (and any  
32 interest paid thereon) again become a participant in the twenty-five  
33 year improved benefit retirement program pursuant to paragraph five of  
34 subdivision b of this section, an appropriate amount shall be included  
35 in such participant's contribution deficiency (including interest there-  
36 on as calculated pursuant to this paragraph) for any credited service  
37 with respect to which such person received a refund of additional member  
38 contributions (including any amount of an unpaid loan balance deemed to  
39 have been returned to such person pursuant to paragraph seven of this  
40 subdivision), as if such additional member contributions never had been  
41 paid.

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

48 5. Where a participant who is otherwise eligible for service retire-  
49 ment pursuant to subdivision c of this section did not, prior to the  
50 effective date of retirement, pay the entire amount of a contribution  
51 deficiency chargeable to him or her pursuant to paragraph three of this  
52 subdivision, or repay the entire amount of a loan of his or her addi-  
53 tional member contributions pursuant to paragraph eight of this subdivi-  
54 sion (including accrued interest on such loan), that participant, never-  
55 theless, shall be eligible to retire pursuant to subdivision c of this  
56 section, provided, however, that where such participant is not entitled

1 to a refund of additional member contributions pursuant to paragraph  
2 seven of this subdivision, such participant's service retirement benefit  
3 calculated pursuant to the applicable provisions of subdivision c of  
4 this section shall be reduced by a life annuity (calculated in accord-  
5 ance with the method set forth in subdivision i of section six hundred  
6 thirteen-b of this chapter) which is actuarially equivalent to (i) the  
7 amount of any unpaid contribution deficiency chargeable to such member  
8 pursuant to paragraph three of this subdivision; plus (ii) the amount of  
9 any unpaid balance of a loan of his or her additional member contrib-  
10 utions pursuant to paragraph eight of this subdivision (including  
11 accrued interest on such loan).

12 6. Subject to the provisions of paragraph five of this subdivision,  
13 where a participant has not paid in full any contribution deficiency  
14 chargeable to him or her pursuant to paragraph three of this subdivi-  
15 sion, and a benefit, other than a refund of a member's accumulated  
16 deductions or a refund of additional member contributions pursuant to  
17 paragraph seven of this subdivision, becomes payable by the retirement  
18 system to the participant or to his or her designated beneficiary or  
19 estate, the actuarial equivalent of any such unpaid amount shall be  
20 deducted from the benefit otherwise payable.

21 7. (i) All additional member contributions required by this subdivi-  
22 sion (and any interest thereon) which are received by the retirement  
23 system shall be paid into its contingent reserve fund and shall be the  
24 property of the retirement system. Such additional member contributions  
25 (and any interest thereon) shall not for any purpose be deemed to be  
26 member contributions or accumulated deductions of a member of the  
27 retirement system under section 13-125 or 13-162 of the administrative  
28 code while he or she is a participant in the twenty-five year improved  
29 benefit retirement program or otherwise.

30 (ii) Should a participant in the twenty-five year improved benefit  
31 retirement program, who has rendered less than fifteen years of credited  
32 service cease to hold a position as a fire protection inspector member  
33 for any reason whatsoever, his or her accumulated additional member  
34 contributions made pursuant to this subdivision (together with any  
35 interest thereon paid to the retirement system) which remain credited to  
36 such participant's account may be withdrawn by him or her pursuant to  
37 procedures promulgated in regulations of the board of trustees of the  
38 retirement system, together with interest thereon at the rate of inter-  
39 est required by law to be used to credit interest on the accumulated  
40 deductions of retirement system members compounded annually.

41 (iii) Notwithstanding any other provision of law to the contrary, (A)  
42 no person shall be permitted to withdraw from the retirement system any  
43 additional member contributions paid pursuant to this subdivision or any  
44 interest paid thereon, except pursuant to and in accordance with the  
45 preceding subparagraphs of this paragraph; and

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

51 8. A participant in the twenty-five year improved benefit retirement  
52 program shall be permitted to borrow from his or her additional member  
53 contributions, including any interest paid thereon, which are credited  
54 to the additional contributions account established for such participant  
55 in the contingent reserve fund of the retirement system. The borrowing  
56 from such additional member contributions pursuant to this paragraph

1 shall be governed by the same rights, privileges, obligations and proce-  
2 dures set forth in section six hundred thirteen-b of this chapter which  
3 govern the borrowing by members subject to article fifteen of this chap-  
4 ter of member contributions made pursuant to section six hundred thir-  
5 teen of this chapter. The board of trustees of the retirement system  
6 may, consistent with the provisions of this subdivision and the  
7 provisions of section six hundred thirteen-b of this chapter as made  
8 applicable to this subdivision, promulgate regulations governing the  
9 borrowing of such additional member contributions.

10 9. Wherever a person has an unpaid balance of a loan of his or her  
11 additional member contributions pursuant to paragraph eight of this  
12 subdivision at the time he or she becomes entitled to a refund of his or  
13 her additional member contributions pursuant to subparagraph (ii) of  
14 paragraph seven of this subdivision, the amount of such unpaid loan  
15 balance (including accrued interest) shall be deemed to have been  
16 returned to such member, and the refund of such additional contributions  
17 shall be the net amount of such contributions, together with interest  
18 thereon in accordance with the provisions of such subparagraph.

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

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

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

32 § 4. The retirement and social security law is amended by adding a new  
33 section 604-j to read as follows:

34 § 604-j. Twenty-five year retirement program for fire protection  
35 inspector members. a. Definitions. The following words and phrases as  
36 used in this section shall have the following meanings unless a differ-  
37 ent meaning is plainly required by the context.

38 1. "Fire protection inspector member" shall mean a member who is  
39 employed by the city of New York or by the New York city fire department  
40 in a title whose duties are those of a fire protection inspector or  
41 associate fire protection inspector; or in a title whose duties require  
42 the supervision of employees whose duties are those of a fire protection  
43 inspector or associate fire protection inspector.

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

46 3. "Starting date of the twenty-five year retirement program" shall  
47 mean the effective date of this section.

48 4. "Participant in the twenty-five year retirement program" shall mean  
49 any fire protection inspector member who, under the applicable  
50 provisions of subdivision b of this section, is entitled to the rights,  
51 benefits and privileges and is subject to the obligations of the twenty-  
52 five year retirement program, as applicable to him or her.

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

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

3 7. "Allowable service as a fire protection inspector member" shall  
4 mean all service as a fire protection inspector member.

5 b. Participation in the twenty-five year retirement program. 1.  
6 Subject to the provisions of paragraphs six and seven of this subdivi-  
7 sion, any person who is a fire protection inspector member on the start-  
8 ing date of the twenty-five year retirement program and who, as such a  
9 fire protection inspector member or otherwise, last became subject to  
10 the provisions of this article prior to such starting date, may elect to  
11 become a participant in the twenty-five year retirement program by  
12 filing, within one hundred eighty days after the starting date of the  
13 twenty-five year retirement program, a duly executed application for  
14 such participation with the retirement system of which such person is a  
15 member, provided he or she is such a fire protection inspector member on  
16 the date such application is filed.

17 2. Subject to the provisions of paragraphs six and seven of this  
18 subdivision, any person who becomes a fire protection inspector member  
19 after the starting date of the twenty-five year retirement program and  
20 who, as such a fire protection inspector member or otherwise, last  
21 became subject to the provisions of this article prior to such starting  
22 date, may elect to become a participant in the twenty-five year retire-  
23 ment program by filing, within one hundred eighty days after becoming  
24 such a fire protection inspector member, a duly executed application for  
25 such participation with the retirement system for which such person is a  
26 member, provided he or she is such a fire protection inspector member on  
27 the date such application is filed.

28 3. Each fire protection inspector member, other than a fire protection  
29 inspector member subject to paragraph one or two of this subdivision,  
30 who becomes subject to the provisions of this article on or after the  
31 starting date of the twenty-five year retirement program shall become a  
32 participant in the twenty-five year retirement program on the date he or  
33 she becomes such a fire protection inspector member. Provided, however,  
34 a person subject to this paragraph, and who has exceeded age twenty-five  
35 upon employment as a fire protection inspector member, shall be exempt  
36 from participation in the improved twenty-five year retirement program  
37 if such person elects not to participate by filing a duly executed form  
38 with the retirement system within one hundred eighty days of becoming a  
39 fire protection inspector member.

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

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

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

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

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

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

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

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

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

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

18 2. Notwithstanding the provisions of subdivision a-1 of section six  
19 hundred three of this article, or any other provision of law to the  
20 contrary, and subject to the provisions of paragraph six of subdivi-  
21 sion e of this section, the early service retirement benefit for participants  
22 in the twenty-five year retirement program who retire pursuant to para-  
23 graph one of this subdivision shall be a retirement allowance consisting  
24 of:

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

27 (ii) an amount on account of allowable service as a fire protection  
28 inspector member, or fraction thereof, beyond such required minimum  
29 period of service equal to two percent of his or her final salary for  
30 such allowable service as a fire protection inspector member during the  
31 period from completion of twenty-five years of allowable service as a  
32 fire protection inspector member to the date of retirement but not to  
33 exceed more than five years of additional service as a fire protection  
34 inspector member.

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

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

39 (ii) in the case of a participant who is not a New York city revised  
40 plan member, who prior to such discontinuance, completed five but less  
41 than twenty-five years of allowable service as a fire protection inspec-  
42 tor member or, in the case of a participant who is a New York city  
43 revised plan member, who prior to such discontinuance, completed ten but  
44 less than twenty-five years of allowable service as a fire protection  
45 inspector member; and

46 (iii) who, subject to the provisions of paragraph seven of subdivi-  
47 sion e of this section, has paid, prior to such discontinuance, all addi-  
48 tional member contributions and interest (if any) required by subdivi-  
49 sion e of this section; and

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

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

4 (ii) In the case of a participant who is not a New York city revised  
5 plan member, such vested benefit shall become payable on the earliest  
6 date on which such discontinued member could have retired for service if  
7 such discontinuance had not occurred or, in the case of a participant  
8 who is a New York city revised plan member, such vested benefit shall  
9 become payable at age sixty-three. Subject to the provisions of para-  
10 graph seven of subdivision e of this section, such deferred vested bene-  
11 fit shall be a retirement allowance consisting of an amount equal to two  
12 percent of such discontinued member's final average salary, multiplied  
13 by the number of years of credited service.

14 e. Additional member contributions. 1. In addition to the member  
15 contributions required by section six hundred thirteen of this article,  
16 each participant in the twenty-five year retirement program shall  
17 contribute to the retirement system of which he or she is a member  
18 (subject to the applicable provisions of subdivision d of section six  
19 hundred thirteen of this article and subject to the limitation provided  
20 for in paragraph two of this subdivision) an additional six and twenty-  
21 five one-hundredths percent of his or her compensation earned from (i)  
22 all allowable service, as a participant in the twenty-five year retire-  
23 ment program, rendered on or after the starting date of the twenty-five  
24 year retirement program, and (ii) all allowable service after such  
25 person ceases to be a participant, but before he or she again becomes a  
26 participant pursuant to paragraph six of subdivision b of this section.  
27 The additional contributions required by this section shall be in lieu  
28 of additional member contributions required by subdivision d of section  
29 six hundred four-c of this article, as added by chapter ninety-six of  
30 the laws of nineteen hundred ninety-five, and no member making addi-  
31 tional contributions pursuant to this section shall be required to make  
32 contributions pursuant to such subdivision d of section six hundred  
33 four-c of this article. Notwithstanding the foregoing provisions of this  
34 paragraph, the additional member contribution required to be paid by  
35 each participant pursuant to this paragraph shall not exceed the  
36 percentage of his or her compensation that, when added to the contrib-  
37 ution made pursuant to subdivision d of section six hundred thirteen of  
38 this article, equals nine and twenty-five one-hundredths percent of that  
39 compensation.

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

45 3. Commencing with the first full payroll period after each person  
46 becomes a participant in the twenty-five year retirement program, addi-  
47 tional member contributions at the rate specified in paragraph one of  
48 this subdivision shall be deducted (subject to the applicable provisions  
49 of subdivision d of section six hundred thirteen of this article) from  
50 the compensation of such participant on each and every payroll of such  
51 participant for each and every payroll period for which he or she is  
52 such a participant.

53 4. (i) Each participant in the twenty-five year retirement program  
54 shall be charged with a contribution deficiency consisting of the total  
55 amounts of additional member contributions such person is required to  
56 make pursuant to paragraphs one and two of this subdivision which are

1 not deducted from his or her compensation pursuant to paragraph three of  
2 this subdivision, if any, together with interest thereon, compounded  
3 annually, and computed in accordance with the provisions of subpara-  
4 graphs (ii) and (iii) of this paragraph.

5 (ii) (A) The interest required to be paid on each such amount speci-  
6 fied in subparagraph (i) of this paragraph shall accrue from the end of  
7 the payroll period for which such amount would have been deducted from  
8 compensation if he or she had been a participant at the beginning of  
9 that payroll period and such deduction had been required for such  
10 payroll period, until such amount is paid to the retirement system.

11 (B) The rate of interest to be applied to each such amount during the  
12 period for which interest accrues on that amount shall be equal to the  
13 rate or rates of interest required by law to be used during that same  
14 period to credit interest on the accumulated deductions of retirement  
15 system members.

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

20 5. (i) Should any person who, pursuant to subparagraph (ii) of para-  
21 graph ten of this subdivision, has received a refund of his or her addi-  
22 tional member contribution including any interest paid on such contrib-  
23 utions, again become a participant in the twenty-five year retirement  
24 program pursuant to paragraph six of subdivision b of this section, an  
25 appropriate amount shall be included in such participant's contribution  
26 deficiency (including interest thereon as calculated pursuant to subpar-  
27 agraph (ii) of this paragraph) for any credited service for which such  
28 person received a refund of such additional member contributions  
29 (including any amount of an unpaid loan balance deemed to have been  
30 returned to such person pursuant to paragraph twelve of this subdivi-  
31 sion), as if such additional member contributions never had been paid.

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

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

42 6. Where a participant who is otherwise eligible for service retire-  
43 ment pursuant to subdivision c of this section did not, prior to the  
44 effective date of retirement, pay the entire amount of a contribution  
45 deficiency chargeable to him or her pursuant to paragraphs four and five  
46 of this subdivision, or repay the entire amount of a loan of his or her  
47 additional member contributions pursuant to paragraph eleven of this  
48 subdivision (including accrued interest on such loan), that participant,  
49 nevertheless, shall be eligible to retire pursuant to subdivision c of  
50 this section, provided, however, that such participant's service retire-  
51 ment benefit calculated pursuant to paragraph two of such subdivision c  
52 of this section shall be reduced by a life annuity (calculated in  
53 accordance with the method set forth in subdivision i of section six  
54 hundred thirteen-b of this article) which is actuarially equivalent to:

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

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

7 7. Where a participant who is otherwise eligible for a vested right to  
8 a deferred benefit pursuant to subdivision d of this section did not,  
9 prior to the date of discontinuance of service, pay the entire amount of  
10 a contribution deficiency chargeable to him or her pursuant to para-  
11 graphs four and five of this subdivision, or repay the entire amount of  
12 a loan of his or her additional member contributions pursuant to para-  
13 graph eleven of this subdivision (including accrued interest on such  
14 loan), that participant, nevertheless, shall have a vested right to a  
15 deferred benefit pursuant to subdivision d of this section provided,  
16 however, that the deferred vested benefit calculated pursuant to para-  
17 graph two of subdivision d of this section shall be reduced by a life  
18 annuity (calculated in accordance with the method set forth in subdivi-  
19 sion i of section six hundred thirteen-b of this article) which is actu-  
20 arially equivalent to:

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

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

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

32 9. Subject to the provisions of paragraphs six and seven of this  
33 subdivision, where a participant has not paid in full any contribution  
34 deficiency chargeable to him or her pursuant to paragraphs four and five  
35 of this subdivision, and a benefit, other than a refund of member  
36 contributions pursuant to section six hundred thirteen of this article  
37 or a refund of additional member contributions pursuant to subparagraph  
38 (ii) of paragraph ten of this subdivision, becomes payable under this  
39 article 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 10. (i) Such additional member contributions (and any interest there-  
43 on) shall be paid into the contingent reserve fund of the retirement  
44 system of which the participant is a member and shall not for any  
45 purpose be deemed to be member contributions or accumulated contrib-  
46 utions of a member under section six hundred thirteen of this article or  
47 otherwise while he or she is a participant in the twenty-five year  
48 retirement program or otherwise.

49 (ii) Should a participant in the twenty-five year retirement program  
50 who has rendered less than fifteen years of credited service cease to  
51 hold a position as a fire protection inspector member for any reason  
52 whatsoever, his or her accumulated additional member contributions made  
53 pursuant to this subdivision (together with any interest thereon paid to  
54 the retirement system) may be withdrawn by him or her pursuant to proce-  
55 dures promulgated in regulations of the board of trustees of the retire-

1 ment system, together with interest thereon at the rate of five percent  
2 per annum, compounded annually.

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

12 11. A participant in the twenty-five year retirement program shall be  
13 permitted to borrow from his or her additional member contributions  
14 (including any interest paid thereon) which are credited to the addi-  
15 tional contributions account established for such participant in the  
16 contingent reserve fund of the retirement system. The borrowing from  
17 such additional member contributions pursuant to this paragraph shall be  
18 governed by the rights, privileges, obligations and procedures set forth  
19 in section six hundred thirteen-b of this article which govern the  
20 borrowing of member contributions made pursuant to section six hundred  
21 thirteen of this article. The board of trustees of the retirement system  
22 may, consistent with the provisions of this subdivision and the  
23 provisions of section six hundred thirteen-b of this article as made  
24 applicable to this subdivision, promulgate regulations governing the  
25 borrowing of such additional member contributions.

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

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

37 12. (i) The city of New York shall, in the case of a fire protection  
38 inspector member (as defined in paragraph one of subdivision a of  
39 section six hundred four-j of this article) who is a participant in the  
40 twenty-five year retirement program (as defined in paragraph four of  
41 subdivision a of such section six hundred four-j), pick up and pay to  
42 the retirement system of which such participant is a member all addi-  
43 tional member contributions which otherwise would be required to be  
44 deducted from such member's compensation pursuant to paragraphs one and  
45 two of subdivision e of such section six hundred four-j of this article  
46 (not including any additional member contributions due for any period  
47 prior to the first full payroll period referred to in such paragraph  
48 three of such subdivision e), and shall effect such pick up in each and  
49 every payroll of such participant for each and every payroll period with  
50 respect to which such paragraph three would otherwise require such  
51 deductions.

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

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

8 (iv) For the purpose of determining the retirement system rights,  
9 benefits and privileges of any member whose additional member contribu-  
10 tions are picked up pursuant to this paragraph, such picked up addi-  
11 tional member contributions shall be deemed to be and treated as part of  
12 such member's additional member contributions under the applicable  
13 provisions of subdivision e of section six hundred four-j of this arti-  
14 cle.

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

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

26 a-9. Notwithstanding any other provision of law to the contrary, on or  
27 after the starting date for pick up, the employer responsible for pick  
28 up shall, in the case of a fire protection inspector member (as defined  
29 in paragraph two of subdivision a of section four hundred forty-five-j  
30 of the retirement and social security law) who is a participant in the  
31 twenty-five year improved benefit retirement program (as defined in  
32 paragraph three of such subdivision a), pick up and pay to the retire-  
33 ment system all additional member contributions which otherwise would be  
34 required to be deducted from such member's compensation pursuant to  
35 subdivision d of such section four hundred forty-five-j, and shall  
36 effect such pick up on each and every payroll of such participant for  
37 each and every payroll period with respect to which such subdivision d  
38 would otherwise require such deductions.

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

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

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

52 (2-h) For the purpose of determining the retirement system rights,  
53 benefits and privileges of any member who is a participant in the twen-  
54 ty-five year retirement program (as defined in paragraph three of subdi-  
55 vision a of section four hundred forty-five-j of the retirement and  
56 social security law), the additional member contributions of such

1 participant picked up pursuant to subdivision a-nine of this section  
2 shall be deemed to be and treated as a part of such member's additional  
3 contributions under subdivision d of such section four hundred forty-  
4 five-j.

5 § 9. Paragraph 3 of subdivision d of section 13-125.2 of the adminis-  
6 trative code of the city of New York, as amended by chapter 682 of the  
7 laws of 2003, is amended to read as follows:

8 (3) Interest on contributions picked up for any Tier I or Tier II  
9 non-uniformed-force member pursuant to this section (other than addi-  
10 tional member contributions picked up pursuant to subdivision a-one,  
11 subdivision a-two, subdivision a-three, subdivision a-four, subdivision  
12 a-five, subdivision a-six, subdivision a-seven [~~ex~~], subdivision  
13 a-eight, or subdivision a-nine of this section) shall accrue in favor of  
14 the member and be payable to the retirement system at the same rate, for  
15 the same time periods, in the same manner and under the same circum-  
16 stances as interest would be required to accrue in favor of the member  
17 and be payable to the retirement system on such contributions if they  
18 were made by such member in the absence of a pick up program applicable  
19 to such member under the provisions of this section.

20 § 10. Subdivision a of section 603 of the retirement and social secu-  
21 rity law, as amended by chapter 18 of the laws of 2012, is amended to  
22 read as follows:

23 a. The service retirement benefit specified in section six hundred  
24 four of this article shall be payable to members who have met the mini-  
25 mum service requirements upon retirement and attainment of age sixty-  
26 two, other than members who are eligible for early service retirement  
27 pursuant to subdivision c of section six hundred four-b of this article,  
28 subdivision c of section six hundred four-c of this article, subdivision  
29 d of section six hundred four-d of this article, subdivision c of  
30 section six hundred four-e of this article, subdivision c of section six  
31 hundred four-f of this article, subdivision c of section six hundred  
32 four-g of this article, subdivision c of section six hundred four-h of  
33 this article [~~ex~~] subdivision c of section six hundred four-i of this  
34 article, or subdivision c of section six hundred four-j of this article,  
35 provided, however, a member of a teachers' retirement system or the New  
36 York state and local employees' retirement system who first joins such  
37 system before January first, two thousand ten or a member who is a  
38 uniformed court officer or peace officer employed by the unified court  
39 system who first becomes a member of the New York state and local  
40 employees' retirement system before April first, two thousand twelve may  
41 retire without reduction of his or her retirement benefit upon attain-  
42 ment of at least fifty-five years of age and completion of thirty or  
43 more years of service, provided, however, that a uniformed court officer  
44 or peace officer employed by the unified court system who first becomes  
45 a member of the New York state and local employees' retirement system on  
46 or after January first, two thousand ten and retires without reduction  
47 of his or her retirement benefit upon attainment of at least fifty-five  
48 years of age and completion of thirty or more years of service pursuant  
49 to this section shall be required to make the member contributions  
50 required by subdivision f of section six hundred thirteen of this arti-  
51 cle for all years of credited and creditable service, provided further  
52 that the [~~the~~] preceding provisions of this subdivision shall not apply  
53 to a New York city revised plan member.

54 § 11. Nothing contained in sections five and ten of this act shall be  
55 construed to create any contractual right with respect to members to  
56 whom such sections apply. The provisions of such sections are intended

1 to afford members the advantages of certain benefits contained in the  
2 internal revenue code, and the effectiveness and existence of such  
3 sections and benefits they confer are completely contingent thereon.

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

5 (a) The provisions of sections five and ten of this act shall remain  
6 in full force and effect only so long as, pursuant to federal law,  
7 contributions picked up under such sections are not includable as gross  
8 income of a member for federal income tax purposes until distributed or  
9 made available to the member; provided that the New York city employees'  
10 retirement system shall notify the legislative bill drafting commission  
11 upon the occurrence of such a change in federal law ruling affecting the  
12 provisions of this act in order that the commission may maintain an  
13 accurate and timely effective data base of the official text of the laws  
14 of the state of New York in furtherance of effectuating the provisions  
15 of section 44 of the legislative law and section 70-b of the public  
16 officers law;

17 (b) The amendments to section 13-125.2 of the administrative code of  
18 the city of New York made by sections six, seven, eight, and nine of  
19 this act shall not affect the expiration of such section and shall be  
20 deemed to expire therewith; and

21 (c) The amendments to subdivision a of section 603 of the retirement  
22 and social security law made by section ten of this act shall not affect  
23 the expiration of such subdivision and shall be deemed to expire there-  
24 with.

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

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

Effective Date: Upon enactment.

BACKGROUND: Members whose duties are one of the following are eligible to participate in the FPI 25-Year Plans:

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

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

Participation in an applicable FPI 25-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 an existing member of the New York City Employees' Retirement System (NYCERS) on the date of enactment and subsequently becomes employed as a Fire Protection Inspector also has 180 days to elect to join the applicable FPI 25-Year Plan.

Any Fire Protection Inspector who becomes a NYCERS member after the date of enactment is mandated into the Tier 6 FPI 25-Year Plan. However, if the member exceeds age 25 upon being mandated into the FPI 25-Year Plan, the member has the option, within 180 days of becoming a Fire Protection Inspector, to elect not to participate.

IMPACT ON BENEFITS: Currently, Fire Protection Inspectors generally participate in one of the NYCERS general plans (i.e., basic Tier 4 62/5

Plan, Tier 6 63/10 Plan, or Improved Tier 4 57/5, 55/25 Plans). Note that since there are no active Tier 2 Fire Protection Inspectors remaining, the following summary of the FPI 25-Year Plans is for Tier 4 and Tier 6 members only.

The proposed legislation, if enacted, would provide the following benefits to Fire Protection Inspectors under the FPI 25-Year Plans:

- \* Service retirement benefit:
  - o 50% of Final Average Salary (FAS) for the first 25 years of Allowable Service, plus
  - o 2% of FAS for each additional year of Allowable Service, or fraction thereof, exceeding 25 years up to a maximum of 30 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 25, years of Allowable Service.
    - \* Tier 6 - At least 10, but less than 25, years of Allowable Service.
  - o Payable at:
    - \* Tier 4 - The date the member would have completed 25 years of Allowable Service.
    - \* Tier 6 - Age 63.
  - o Amount:
    - \* 2% of FAS for each year of Allowable Service.
- \* Other benefits: Members of the proposed FPI 25-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 an FPI 25-Year Plan are required to make, in addition to the Tier 4 Basic Member Contributions (BMC) of 3% and the Tier 6 BMC ranging from 3% to 6% depending on defined salary scales, Additional Member Contributions (AMC) equal to 6.25% 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 Allowable Service. In no event shall BMC plus AMC exceed 9.25% of compensation.

FINANCIAL IMPACT - PRESENT VALUES: Based on the anticipated group of members joining the FPI 25-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 \$2.6 million and increase the Present Value of member contributions by approximately \$1.4 million. The net result is an increase in the Present Value of future employer contributions of approximately \$1.2 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 \$1.1 million plus an increase in the Present Value of future employer Normal Cost of \$0.1 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 Fire Protection Inspectors assumed to join the FPI 25-Year Plans is approximately 12 years.

For the purposes of this Fiscal Note, the increase in UAL was amortized over a 12-year period (eleven 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 \$290,000 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 66 NYCERS Fire Protection Inspectors as of June 30, 2021 assumed to join the FPI 25-Year Plans had an average age of approximately 42.3 years, average service of approximately 15.2 years, and an average salary of approximately \$79,700.

**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.

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

Based on this analysis, it was determined that those members who are mandated into the FPI 25-Year Plan in the future will generally not benefit under the Plan (i.e., they will have a decrease in Present Value of future employer costs as compared to the Tier 6 63/10 Plan they would otherwise participate in, absent this proposed legislation), and therefore the costs presented in this Fiscal Note are borne only from current NYCERS members who are assumed to benefit from, and thus opt to join, the FPI-25 Year Plan.

**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 of NYCERS and other New York City agencies to implement the proposed legislation.

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

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 2022-37 dated April 27, 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.