

STATE OF NEW YORK

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2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sens. GOUNARDES, BROOKS, GAUGHRAN, KAVANAGH -- 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Such deferred vested benefit shall be a retirement allowance consisting of an amount equal to two and two-tenths percent of such discontinued member's salary earned or earnable in the year prior to his

1 or her discontinuance, multiplied by the number of years of allowable
2 city service.

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

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

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

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

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

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

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

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

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

1 § 445-j. Optional twenty-two year improved benefit retirement program
2 for EMT members. a. Definitions. The following words and phrases as
3 used in this section shall have the following meanings unless a differ-
4 ent meaning is plainly required by the context.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 (ii) Except as provided in subparagraph (iii) of this paragraph, no
55 interest shall be due on any unpaid additional contributions which are

1 not attributable to the period prior to the first full payroll period
2 referred to in paragraph two of this subdivision.

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

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

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

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

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

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

50 7. (i) All additional member contributions required by this subdivi-
51 sion, and any interest thereon, which are received by the retirement
52 system shall be paid into its contingent reserve fund and shall be the
53 property of the retirement system. Such additional member contributions,
54 and any interest thereon, shall not for any purpose be deemed to be
55 member contributions or accumulated deductions of a member of the
56 retirement system under section 13-125 or section 13-162 of the adminis-

1 trative code while he or she is a participant in the twenty-two year
2 improved benefit retirement program or otherwise.

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

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

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

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

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

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

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

provisions of section 13-157.5 of the administrative code, but who is not governed by the provisions of this article.

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

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

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

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

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

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

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

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

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

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

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

b. Participation in the twenty-two year retirement program. 1. Subject to the provisions of paragraphs six and seven of this subdivision, any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 d. Vesting. 1. A participant in the twenty-two year retirement
26 program:

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

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

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

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

44 shall be entitled to receive a deferred vested benefit as provided in
45 this subdivision.

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

49 (ii) In the case of a participant who is not a New York city revised
50 plan member, such vested benefit shall become payable on the earliest
51 date on which such discontinued member could have retired for service if
52 such discontinuance had not occurred, or, in the case of a participant
53 who is a New York city revised plan member, such vested benefit shall
54 become payable at age sixty-three.

55 3. Subject to the provisions of paragraph seven of subdivision e of
56 this section, such deferred vested benefit shall be a retirement allow-

1 ance consisting of an amount equal to two percent of such discontinued
2 member's final average salary, multiplied by the number of years of
3 allowable service as an EMT member.

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

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

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

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

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

53 (B) The rate of interest to be applied to each such amount during the
54 period for which interest accrues on that amount shall be equal to the
55 rate or rates of interest required by law to be used during that same

1 period to credit interest on the accumulated deductions of retirement
2 system members.

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

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

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

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

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

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

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

48 7. Where a participant who is otherwise eligible for a vested right to
49 a deferred benefit pursuant to subdivision d of this section did not,
50 prior to the date of discontinuance of service, pay the entire amount of
51 a contribution deficiency chargeable to him or her pursuant to para-
52 graphs four and five of this subdivision, or repay the entire amount of
53 a loan of his or her additional member contributions pursuant to para-
54 graph eleven of this subdivision, including accrued interest on such
55 loan, that participant, nevertheless, shall have a vested right to a
56 deferred benefit pursuant to subdivision d of this section provided,

1 however, that the deferred vested benefit calculated pursuant to para-
2 graph three of subdivision d of this section shall be reduced by a life
3 annuity, calculated in accordance with the method set forth in subdivi-
4 sion i of section six hundred thirteen-b of this article, which is actu-
5 arially equivalent to:

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

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

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

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

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

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

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

52 11. A participant in the twenty-two year retirement program shall be
53 permitted to borrow from his or her additional member contributions,
54 including any interest paid thereon, which are credited to the addi-
55 tional contributions account established for such participant in the
56 contingent reserve fund of the retirement system. The borrowing from

such additional member contributions pursuant to this paragraph shall be governed by the rights, privileges, obligations and procedures set forth 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 contrib-

utions are picked up pursuant to this paragraph, such picked up additional member contributions shall be deemed to be and treated as part of such member's additional member contributions under the applicable provisions of subdivision e of section six hundred four-e and subdivision e of section six hundred four-j of this article.

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

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

a-9. Notwithstanding any other provision of law to the contrary, on or after the starting date for pick up, the employer responsible for pick up shall, in the case of an EMT member, as defined in paragraph one of subdivision a of section 13-157.5 of this chapter, who is a participant in the twenty-two year improved benefit retirement program, as defined in paragraph two of such subdivision a, pick up and pay to the retirement system all additional member contributions which otherwise would be required to be deducted from such member's compensation pursuant to subdivision e of such section 13-157.5, 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 subdivision e would otherwise require such deductions.

a-10. Notwithstanding any other provision of law to the contrary, on or after the starting date for pick up, the employer responsible for pick up shall, in the case of an EMT member, as defined in paragraph two of subdivision a of section four hundred forty-five-j of the retirement and social security law, who is a participant in the twenty-two year improved benefit retirement program, as defined in paragraph three of such subdivision a, pick up and pay to the retirement system all additional member contributions which otherwise would be required to be deducted from such member's compensation pursuant to subdivision d of such section four hundred forty-five-j, 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 subdivision d would otherwise require such deductions.

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

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

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

1 (2-h) For the purpose of determining the retirement system rights,
2 benefits and privileges of any member who is a participant in the twen-
3 ty-two year retirement program, as defined in paragraph two of subdivi-
4 sion a of section 13-157.5 of this chapter, the additional member
5 contributions of such participant picked up pursuant to subdivision
6 a-nine of this section shall be deemed to be and treated as a part of
7 such member's additional contributions under subdivision e of such
8 section 13-157.5.

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

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

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

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

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

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

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

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

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

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

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

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

55 § 14. Nothing contained in sections seven and twelve of this act shall
56 be construed to create any contractual right with respect to members to

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

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

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

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

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

26 (d) The amendments to subdivision a of section 603 of the retirement
27 and social security law made by section twelve of this act shall not
28 affect the expiration of such subdivision and shall be deemed to expire
29 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 emer-
gency 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 gener-

ally 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.