

STATE OF NEW YORK

6344--A

2023-2024 Regular Sessions

IN ASSEMBLY

April 5, 2023

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

AN ACT to amend the retirement and social security law, in relation to service retirement benefits for members of the New York city police pension fund

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

Section 1. Section 505 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

§ 505. Service retirement benefits; police/fire members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members. a. The normal service retirement benefit for police/fire members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members at normal retirement age shall be a pension equal to fifty percent of final average salary, less fifty percent of the primary social security retirement benefit commencing at age sixty-two, as provided in section five hundred eleven of this article, except that for members of the New York city police pension fund, the normal service retirement benefit shall not be reduced by the primary social security retirement benefit commencing at age sixty-two as provided in section five hundred eleven of this article.

b. The early service retirement benefit for police/fire members, New York city uniformed correction/sanitation revised plan members and investigator revised plan members shall be a pension equal to two and one-tenths percent of final average salary times years of credited service at the completion of twenty years of service or upon attainment

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

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1 of age sixty-two, increased by one-third of one percent of final average
2 salary for each month of service in excess of twenty years, but not in
3 excess of fifty percent of final average salary, less fifty percent of
4 the primary social security retirement benefit commencing at age sixty-
5 two as provided in section five hundred eleven of this article,
6 provided, however, that New York city police/fire revised plan members,
7 New York city uniformed correction/sanitation revised plan members and
8 investigator revised plan members shall not be eligible to retire for
9 service prior to the attainment of twenty years of credited service, and
10 provided further that for members of the New York city police pension
11 fund, the early service retirement benefit shall not be reduced by the
12 primary social security retirement benefit commencing at age sixty-two
13 as provided in section five hundred eleven of this article.

14 c. A police/fire member, a New York city uniformed
15 correction/sanitation revised plan member or an investigator revised
16 plan member who retires with twenty-two years of credited service or
17 less may become eligible for annual escalation of the service retirement
18 benefit if he elects to have the payment of his benefit commence on the
19 date he would have completed twenty-two years and one month or more of
20 service. In such event, the service retirement benefit shall equal two
21 percent of final average salary for each year of credited service, less
22 fifty percent of the primary social security retirement benefit commenc-
23 ing at age sixty-two as provided in section five hundred eleven of this
24 article, except that for members of the New York city police pension
25 fund, the service retirement benefit shall not be reduced by the primary
26 social security retirement benefit commencing at age sixty-two as
27 provided in section five hundred eleven of this article.

28 § 2. Section 511 of the retirement and social security law is amended
29 by adding a new subdivision h to read as follows:

30 h. This section shall not apply to members of the New York city police
31 pension fund who receive a service retirement benefit pursuant to
32 section five hundred five of this article or a deferred vested benefit
33 pursuant to section five hundred sixteen of this article.

34 § 3. Subdivision c of section 516 of the retirement and social securi-
35 ty law, as amended by chapter 18 of the laws of 2012, is amended to read
36 as follows:

37 c. The deferred vested benefit of police/fire members, New York city
38 police/fire revised plan members, New York city uniformed
39 correction/sanitation revised plan members or investigator revised plan
40 members shall be a pension commencing at early retirement age equal to
41 two and one-tenths percent of final average salary times years of cred-
42 ited service, less fifty percent of the primary social security retire-
43 ment benefit commencing at age sixty-two, as provided in section five
44 hundred eleven of this article, except that for members of the New York
45 city police pension fund, the service retirement benefit shall not be
46 reduced by the primary social security retirement benefit commencing at
47 age sixty-two as provided in section five hundred eleven of this
48 article. A police/fire member, a New York city police/fire revised plan
49 member, a New York city uniformed correction/sanitation revised plan
50 member or investigator revised plan member may elect to receive his
51 vested benefit commencing at early retirement age or age fifty-five. If
52 the vested benefit commences before early retirement age, the benefit
53 shall be reduced by one-fifteenth for each year, if any, that the
54 member's early retirement age is in excess of age sixty, and by one-
55 thirtieth for each additional year by which the vested benefit commences
56 prior to early retirement age. If such vested benefit is deferred until

1 after such member's normal retirement age, the benefit shall be computed
 2 and subject to annual escalation in the same manner as provided for an
 3 early retirement benefit pursuant to subdivision c of section five
 4 hundred five of this article.

5 § 4. This act shall take effect on the sixtieth day after it shall
 6 have become a law.

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

SUMMARY: This proposed legislation would amend Sections of the Retirement and Social Security Law (RSSL) to eliminate the offset equal to 50% of the primary social security benefit in the service, early service, and vested retirement benefits for Tier 3 members of the New York City Police Pension Fund (POLICE).

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
 by Fiscal Year for the first 25 years (\$ in Millions)

Year	POLICE
2025	62.1
2026	66.6
2027	72.4
2028	78.7
2029	84.9
2030	91.5
2031	97.7
2032	103.0
2033	108.2
2034	113.2
2035	118.0
2036	122.8
2037	127.5
2038	132.4
2039	137.2
2040	142.1
2041	122.3
2042	127.3
2043	132.6
2044	138.1
2045	143.5
2046	149.0
2047	154.6
2048	160.6
2049	166.8

Employer Contribution impact beyond Fiscal Year 2049 is not shown.
 Projected contributions include future new hires that may be impacted.

The entire increase in employer contributions will be allocated to New York City.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL LIABILITIES
 as of June 30, 2023 (\$ in Millions)

Present Value (PV)	POLICE
PV of Benefits:	788.6
PV of Employee Contributions:	0.0
PV of Employer Contributions:	788.6
Unfunded Accrued Liabilities:	226.2

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	POLICE
Number of Payments:	16
Fiscal Year of Last Payment:	2040
Amortization Payment:	24.8 M

Unfunded Accrued Liability increases were amortized over the expected remaining working lifetime of those impacted by the benefit changes using level dollar payments.

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2023. The census data for the impacted population is summarized below.

	POLICE
Active Members	
- Number Count:	20,176
- Average Age:	32.8
- Average Service:	6.1
- Average Salary:	107,600
Term. Vested Members	
- Number Count:	924
- Average Age:	34.7

IMPACT ON MEMBER BENEFITS: Currently, Tier 3 normal service retirement, early service retirement, and vested retirement benefits are subject to an offset equal to 50% of the primary social security benefit as defined in RSSL Section 511 beginning at age 62.

Under the proposed legislation, the offset for such benefits would be eliminated for POLICE members, resulting in an increase in benefits.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems. In addition:

* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits).

This Fiscal Note does not include cost analyses relating to provisions contained in RSSL Section 500(c).

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS but do not believe it impairs our objectivity and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our 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 2024-04 dated January 22, 2024 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds. This estimate is intended for use only during the 2024 Legislative Session.