

# STATE OF NEW YORK

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9540

## IN ASSEMBLY

March 20, 2024

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Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to eligibility for retirement benefits for certain members of the unified court system

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

1       Section 1. Subdivision a of section 503 of the retirement and social  
2       security law, as amended by chapter 18 of the laws of 2012, is amended  
3       to read as follows:

4       a. The normal service retirement benefit specified in section five  
5       hundred four of this article shall be payable to general members, other  
6       than elective members, who have met the minimum service requirements  
7       upon retirement and attainment of age sixty-two, provided, however, a  
8       general member who is a peace officer employed by the unified court  
9       system or a member of a teachers' retirement system may retire without  
10      reduction of [~~his or her~~] such member's retirement benefit upon attain-  
11      ment of at least fifty-five years of age and completion of thirty or  
12      more years of service. For members who become members of the New York  
13      state and local employees' retirement system on or after April first,  
14      two thousand twelve, the normal service retirement benefits specified in  
15      section five hundred four of this article shall be payable to general  
16      members, other than elective members, who have met the minimum service  
17      requirements upon retirement and attainment of age sixty-three; provided  
18      that, a member who is a peace officer employed by the unified court  
19      system may retire without reduction of such member's retirement benefit  
20      upon attainment of at least fifty-five years of age and completion of  
21      thirty or more years of service.

22      § 2. Subdivisions a and a-1 of section 603 of the retirement and  
23      social security law, subdivision a as amended and subdivision a-1 as  
24      added by chapter 18 of the laws of 2012, are amended to read as follows:

25       a. The service retirement benefit specified in section six hundred  
26       four of this article shall be payable to members who have met the mini-  
27       mum service requirements upon retirement and attainment of age sixty-

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

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1 two, other than members who are eligible for early service retirement  
2 pursuant to subdivision c of section six hundred four-b of this article,  
3 subdivision c of section six hundred four-c of this article, subdivision  
4 d of section six hundred four-d of this article, subdivision c of  
5 section six hundred four-e of this article, subdivision c of section six  
6 hundred four-f of this article, subdivision c of section six hundred  
7 four-g of this article, subdivision c of section six hundred four-h of  
8 this article or subdivision c of section six hundred four-i of this  
9 article, provided, however, a member of a teachers' retirement system or  
10 the New York state and local employees' retirement system who first  
11 joins such system before January first, two thousand ten or a member who  
12 is a uniformed court officer or peace officer employed by the unified  
13 court system [~~who first becomes a member of the New York state and local  
employees' retirement system before April first, two thousand twelve~~] may  
14 retire without reduction of [~~his or her~~] such member's retirement  
15 benefit upon attainment of at least fifty-five years of age and  
16 completion of thirty or more years of service, provided, however, that a  
17 uniformed court officer or peace officer employed by the unified court  
18 system who first becomes a member of the New York state and local  
19 employees' retirement system on or after January first, two thousand ten  
20 and retires without reduction of [~~his or her~~] such member's retirement  
21 benefit upon attainment of at least fifty-five years of age and  
22 completion of thirty or more years of service pursuant to this section  
23 shall be required to make the member contributions required by subdivi-  
24 sion f of section six hundred thirteen of this article for all years of  
25 credited and creditable service, provided further that the [~~the~~] preced-  
26 ing provisions of this subdivision shall not apply to a New York city  
27 revised plan member.

28 a-1. For members who first become a member of a public retirement  
29 system of the state on or after April first, two thousand twelve, except  
30 for uniformed court officers or peace officers employed by the unified  
31 court system, the service retirement benefit specified in section six  
32 hundred four of this article shall be payable to members who have met  
33 the minimum service requirements upon retirement and have attained age  
34 sixty-three.

35 § 3. Subdivisions a and b-1 of section 604 of the retirement and  
36 social security law, subdivision a as amended and subdivision b-1 as  
37 added by chapter 18 of the laws of 2012, are amended to read as follows:  
38 a. The service retirement benefit at normal retirement age for a  
39 member with less than twenty years of credited service, or less than  
40 twenty-five years credited service for a member who joins the New York  
41 state teachers' retirement system on or after January first, two thou-  
42 sand ten, shall be a retirement allowance equal to one-sixtieth of final  
43 average salary times years of credited service. Normal retirement age  
44 for members who first become members of a public retirement system of  
45 the state on or after April first, two thousand twelve shall be age  
46 sixty-three; except that the normal retirement age shall be sixty-two  
47 for a member who is a peace officer or uniformed court officer employed  
48 by the unified court system.

49 b-1. Notwithstanding any other provision of law to the contrary, the  
50 service retirement benefit for members with twenty or more years of  
51 [~~credit~~] credited service who first become a member of a public retire-  
52 ment system of the state on or after April first, two thousand twelve at  
53 age sixty-three, or at age sixty-two for uniformed court officers or  
54 peace officers employed by the unified court system, shall be a pension  
55 equal to the sum of thirty-five per centum and one-fiftieth of final

1 average salary for each year of service in excess of twenty times final  
2 average salary times years of credited service. In no event shall any  
3 retirement benefit payable without optional modification be less than  
4 the actuarially equivalent annuitized value of the member's contrib-  
5 utions accumulated with interest at five percent per annum compounded  
6 annually to the date of retirement.

7 § 4. Paragraph 3 of subdivision i of section 603 of the retirement and  
8 social security law, as added by chapter 18 of the laws of 2012, is  
9 amended to read as follows:

10 3. A member of a public retirement system of the state who has met the  
11 minimum service requirement, but who is not a New York city transit  
12 authority member, as defined in paragraph one of subdivision a of  
13 section six hundred four-b of this article, may retire prior to normal  
14 retirement age, but no earlier than attainment of age fifty-five, in  
15 which event, the amount of ~~[his or her]~~ such member's retirement benefit  
16 computed without optional modification shall be reduced by six and one-  
17 half per centum for each year by which early retirement precedes age  
18 sixty-three; provided, however, that for a member who is a uniformed  
19 court officer or peace officer employed by the unified court system, the  
20 retirement benefit computed without optional modification shall be  
21 reduced in accordance with paragraph one of this subdivision.

22 § 5. Notwithstanding any other provision of law to the contrary, none  
23 of the provisions of this act shall be subject to the appropriation  
24 requirement of section 25 of the retirement and social security law.

25 § 6. This act shall take effect immediately; provided that the amend-  
26 ments to subdivision a of section 603 of the retirement and social secu-  
27 rity law made by section two of this act shall not affect the expiration  
28 of such subdivision and shall be deemed to expire therewith.

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

This bill would allow any Tier 6 member who is a uniformed court offi-  
cer or peace officer employed by the unified court system to retire  
without early age reduction upon attaining 30 years of creditable  
service and age 55. It would also reduce the normal retirement age from  
63 to 62 and lessen the reductions in benefits for those who retire  
prior to normal retirement age.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), the increased costs would be borne entirely by the State of New York. If this bill were enacted during the 2024 Legislative Session, the increase in the present value of benefits would be approximately \$34.2 million.

In the NYSLERS, this benefit improvement will be funded by (1) billing a past service cost to cover retrospective benefit increases and (2) increasing the billing rates charged annually to cover prospective benefit increases, as follows:

(1) To fund retrospective costs, the State of New York will be required to pay \$18.9 million as of March 1, 2025.

(2) To fund prospective costs, the annual contribution required of the State of New York will include a separate itemized charge equal to 1.0% of billable salary reported to the NYSLERS for the affected members, or approximately \$2.2 million beginning in fiscal year ending March 31, 2025. This permanent annual cost will increase as Tier 6 salary grows and will vary in subsequent billing cycles with changes in the billing rate.

These estimated costs are based on 2,207 affected members employed by New York State, with annual salary of approximately \$166 million as of March 31, 2023.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 8, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-92, prepared by the Actuary for the New York State and Local Retirement System.