STATE OF NEW YORK

9844

IN ASSEMBLY

April 11, 2024

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

AN ACT to amend the retirement and social security law, in relation to the retirement of county 911 operators

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

Section 1. The retirement and social security law is amended by adding a new section 89-y to read as follows:

§ 89-y. Optional twenty-five year retirement plan for county police communications operators, police communications operator supervisors, assistant bureau directors (police 911 communications) and bureau directors (police 911 communications). a. Any member who is a county police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) or bureau director (police 911 communications) in any county, shall be eligible to retire pursuant to the provisions of this section. Such eligibility shall be an alternative to the eligibility provisions available under any other plan of this article to which such member is subject. The comptroller shall have the authority to include positions herein that comprehend the same duties and responsibilities, but are named differently.

b. Such member shall be entitled to retire upon the completion of twenty-five years of total creditable service by filing an application therefor in the manner provided for in section seventy of this article.

c. Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which he or she may then be entitled shall be sufficient to provide him or her with a retirement allowance equal to one-half of his or her final average salary.

d. As used in this section "creditable service" shall include any and all services performed as a county police communications operator, police communications operator supervisor, assistant bureau director

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

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(police 911 communications) and bureau director (police 911 communications).

e. Credit for service as a member or officer of the state police or as a paid firefighter, police officer or officer of any organized fire department or police force or department of any county, city, village, town, fire district or police district, or as a criminal investigator in the office of a district attorney, or as a probation assistant in a county probation department, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section.

f. The chief executive officer in each county shall certify to the comptroller, periodically and at such intervals of time as may be required and in such fashion as may be prescribed, the identity of the eligible police communications operators, police communications operator supervisors, assistant bureau directors (police 911 communications) and bureau directors (police 911 communications) in his or her employ.

g. A member contributing on the basis of this section at the time of retirement shall retire after the completion of twenty-five years of total creditable service. Application therefor may be filed in a manner similar to that provided in section seventy of this article. Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which he or she may then be entitled, shall be sufficient to provide him or her with a retirement allowance equal to one-half of his or her final average salary.

h. In computing the twenty-five years of total service of a member pursuant to this section full credit shall be given and full allowance shall be made for service of such member in time of war after World War I as defined in section two of this chapter, provided such member at the time of his or her entrance into the armed forces was in the service of the county of his or her employer that makes the election provided for herein.

i. Nothing herein shall be construed to prevent a member, who does not retire pursuant to the provisions of this section, from utilizing service which is creditable service pursuant to the provisions of this section for service credit pursuant to the provisions of any other plan of this article to which such member is subject.

j. 1. Each county that elects pursuant to the provisions of this subdivision shall pay the cost attributable therefor.

2. The benefits of this section shall be available only to those members defined in subdivision a of this section whose employer elects to provide such benefits by adopting a resolution to such effect and filing a certified copy thereof with the comptroller. Such resolution shall be accompanied by the affidavit of the chief executive officer of the county that the county has received an estimate from the retirement system of the cost of the benefit provided by this section.

k. The provisions of this section shall be controlling notwithstanding any other provision in this article to the contrary.

§ 2. Subdivision a of section 445 of the retirement and social security law, as amended by chapter 714 of the laws of 2023, is amended to read as follows:

a. No member of a retirement system who is subject to the provisions of this article shall retire without regard to age, exclusive of retire-

ment for disability, unless he or she is a police officer, an investigator member of the New York city employees' retirement system, firefighter, correction officer, a qualifying member as defined in section eighty-nine-t, as added by chapter six hundred fifty-seven of the laws of nineteen hundred ninety-eight, of this chapter, sanitation worker, a special officer (including persons employed by the city of New York in the title urban park ranger or associate urban park ranger), school safety agent, campus peace officer or a taxi and limousine commission inspector member of the New York city employees' retirement system or the New York city board of education retirement system, a dispatcher member of the New York city employees' retirement system, a police communications member of the New York city employees' retirement system, an EMT member of the New York city employees' retirement system, a deputy sheriff member of the New York city employees' retirement system, a correction officer of the Westchester county correction department as defined in section eighty-nine-e of this chapter or employed in Suffolk county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred eighty-eight of the laws of nineteen hundred ninety-seven, of this chapter, employed in Suffolk county as a correction officer, as defined in section eighty-nine-f of this chapter, or employed in Nassau county as a correction officer, uniformed correction division personnel, sheriff, undersheriff or deputy sheriff, as defined in section eighty-nine-g of this chapter, or employed in Nassau county as an ambulance medical technician, an ambulance medical technician/supervisor or a member who performs ambulance medical technician related services, or a police medic, police medic supervisor or a member who performs police medic related services, as defined in section eighty-nine-s, as amended by chapter five hundred seventy-eight of the laws of nineteen hundred ninety-eight, of this chapter, or employed in Nassau county as a peace officer, as defined in section eighty-nine-s, as added by chapter five hundred ninety-five of the laws of nineteen hundred ninety-seven, of this chapter, or employed in Albany county as a sheriff, undersheriff, deputy sheriff, correction officer or identification officer, as defined in section eighty-nine-h of this chapter or is employed in St. Lawrence county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-i of this chapter or is employed in Orleans county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-l of this chapter or is employed in Jefferson county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-j of this chapter or is employed in Onondaga county as a deputy sheriff-jail division competitively appointed or as a correction officer, as defined in section eighty-nine-k of this chapter or is employed in a county which makes an election under subdivision j of section eighty-nine-p of this chapter as a sheriff, undersheriff, deputy sheriff or correction officer as defined in such section eighty-nine-p or is employed in Broome County as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-m of this chapter or is a Monroe county deputy sheriff-court security, or deputy sheriff-jailor as defined in section eighty-nine-n, as added by chapter five hundred ninety-seven of the laws of nineteen hundred ninety-one, of this chapter or is employed in Greene county as a sheriff, undersheriff, deputy sheriff or correction officer, as defined in section eighty-nine-o of this chapter or is a traffic officer with the town of Elmira as defined in section eighty-nine-q of this chapter or is employed by Suffolk county as a park police officer, as defined in

section eighty-nine-r of this chapter or is a peace officer employed by a county probation department as defined in section eighty-nine-t, as added by chapter six hundred three of the laws of nineteen hundred ninety-eight, of this chapter or is employed in Rockland county as a deputy sheriff-civil as defined in section eighty-nine-v of this chapter as added by chapter four hundred forty-one of the laws of two thousand one, or is employed in Rockland county as a superior correction officer as defined in section eighty-nine-v of this chapter as added by chapter five hundred fifty-six of the laws of two thousand one or is a paramedic employed by the police department in the town of Tonawanda and retires under the provisions of section eighty-nine-v of this chapter, as added by chapter four hundred seventy-two of the laws of two thousand one, or is a county fire marshal, supervising fire marshal, fire marshal, assistant fire marshal, assistant chief fire marshal, chief fire marshal, division supervising fire marshal or fire marshal trainee employed by the county of Nassau as defined in section eighty-nine-w of this chapter or is employed in Monroe county as a deputy sheriff-civil as defined in section eighty-nine-x of this chapter, employed as an emergency medical technician, critical care technician, advanced emergency medical technician, paramedic or supervisor of such titles in a participating Suffolk county fire district as defined in section eighty-nine-ss of this chapter, **or is a county police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) and bureau director (police 911 communications)** and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, a member in such a plan and such an occupation, other than a police officer or investigator member of the New York city employees' retirement system or a firefighter, shall not be permitted to retire prior to the completion of twenty-five years of credited service; provided, however, if such a member in such an occupation is in a plan which permits retirement upon completion of twenty years of service regardless of age, he or she may retire upon completion of twenty years of credited service and prior to the completion of twenty-five years of service, but in such event the benefit provided from funds other than those based on such a member's own contributions shall not exceed two per centum of final average salary per each year of credited service.

§ 3. Section 603 of the retirement and social security law is amended by adding a new subdivision w to read as follows:

w. The service retirement benefit specified in section six hundred four of this article shall be payable to members with twenty-five years of creditable service, without regard to age, who are employed as a county police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) and bureau director (police 911 communications) as defined in section eighty-nine-y of this chapter if: (i) such members have met the minimum service requirements upon retirement, and (ii) in the case of a member subject to the provisions of article fourteen of this chapter, such member files an election therefor which provides that he or she will be

subject to the provisions of this article and to none of the provisions of such article fourteen. Such election, which shall be irrevocable, shall be in writing, duly executed and shall be filed with the comptroller within one year of the effective date of this subdivision or within one year after entering the employment with such county upon which eligibility is based, whichever comes later. For the purposes of this subdivision, the term "creditable service" shall have the meaning as so defined in both sections eighty-nine-y and six hundred one of this chapter.

§ 4. Section 604 of the retirement and social security law is amended by adding a new subdivision w to read as follows:

w. The early service retirement benefit for a member who is employed as a county police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) and bureau director (police 911 communications) as defined in section eighty-nine-y of this chapter shall be a pension equal to one-fiftieth of final average salary times years of credited service at the completion of twenty-five years of service as such police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) and bureau director (police 911 communications), but not exceeding one-half of his or her final average salary; for service beyond twenty-five years the benefits shall increase by one-sixtieth of final average salary for each year of additional service credit provided, however, that the total allowance payable pursuant to this section shall not exceed three-fourths of such member's final average salary.

§ 5. All past service costs incurred with implementing the provisions of this act shall be borne by any county that elects to provide the benefits provided by this act.

§ 6. This act shall take effect January 1, 2025.

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

This bill would permit counties that participate in the New York State and Local Employees' Retirement System to elect to provide members employed in the title of police communications operator, police communications operator supervisor, assistant bureau director (police 911 communications) or bureau director (police 911 communications) the option to retire upon completion of twenty-five years of creditable service with a benefit of one-half of final average salary (FAS) and for Tiers 3 through 6 an additional benefit of one-sixtieth of FAS for each year of creditable service in excess of twenty-five years, not to exceed fifteen years. Additionally, for those members covered under the provisions of Article 14, this bill would permit an irrevocable election to forfeit the benefits of Article 14 in favor of the twenty-five-year plan benefit. Such election must be made within one year of the effective date of this bill or within one year of entering employment with an electing county in any of the above titles, whichever comes later.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase in the annual contributions of an electing county of approximately 5% of salary paid to eligible members for the fiscal year ending March 31, 2025. In future years this cost will vary as the billing rates of the affected members change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately 16% of salary paid to eligible members which will be borne by the electing county as a one-time payment. This estimate assumes that payment will be made on February 1, 2025.

Further, we anticipate additional administrative costs to implement the provisions of this legislation.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined. Prior to electing to provide these benefits, a county would be required to submit a roster of eligible members to the New York State and Local Retirement System. This roster would be used to determine an exact cost to the electing county.

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 6, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-66, prepared by the Actuary for the New York State and Local Retirement System.