

STATE OF NEW YORK

9669--A

IN SENATE

May 16, 2024

Introduced by Sen. JACKSON -- 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

AN ACT to amend the administrative code of the city of New York, in relation to the establishment of a twenty-two and one-half 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 and one-half 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 and one-half year retirement program for EMT
4 members. a. Definitions. The following words and phrases as used in
5 this section shall have the following meanings unless a different mean-
6 ing is plainly 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 are those of an emergency medical technician or advanced
16 emergency medical technician, as those terms are defined in section
17 three thousand one of the public health law and who, subsequent thereto,
18 became employed by the city of New York or by the New York city health
19 and hospitals corporation in a title whose duties require the super-
20 vision of employees whose duties are those of an emergency medical tech-

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

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1 nician or advanced emergency medical technician, as those terms are
2 defined in section three thousand one of the public health law.

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

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

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

13 5. "Discontinued member" shall mean a participant in the twenty-two
14 one-half year retirement program who, while they were an EMT member,
15 discontinued service as such a member and has a right to a deferred
16 vested benefit under the provisions of subdivision d of this section.

17 6. "Creditable city service" for purposes of this section shall mean
18 (i) all service while employed by the city of New York or by the New
19 York city health and hospitals corporation in a title whose duties are
20 those of an emergency medical technician or advanced emergency medical
21 technician, as those terms are defined in section three thousand one of
22 the public health law; and (ii) with respect to an individual who was
23 employed on the effective date of this section in a title whose duties
24 are those of an emergency medical technician or advanced emergency
25 medical technician, as those terms are defined in section three thousand
26 one of the public health law, all such service subsequent thereto in a
27 title whose duties require the supervision of employees whose duties are
28 those of an emergency medical technician or advanced emergency medical
29 technician, as those terms are defined in section three thousand one of
30 the public health law; and (iii) all service while employed by the city
31 of New York or by the New York city health and hospitals corporation in
32 the title motor vehicle operator.

33 b. Participation in twenty-two and one-half year retirement program.
34 1. Subject to the provisions of paragraphs five and six of this subdivi-
35 sion, any person who is an EMT member on the starting date of the twen-
36 ty-two and one-half year retirement program may elect to become a
37 participant in the twenty-two and one-half year retirement program by
38 filing, within one hundred eighty days after the starting date of the
39 twenty-two and one-half year retirement program, a duly executed appli-
40 cation for such participation with the retirement system of which such
41 person is a member, provided such person is such an EMT member on the
42 date such application is filed.

43 2. Subject to the provisions of paragraphs five and six of this subdivi-
44 vision, any person who becomes an EMT member after the starting date of
45 the twenty-two and one-half year retirement program may elect to become
46 a participant in the twenty-two and one-half year retirement program by
47 filing, within one hundred eighty days after becoming such an EMT
48 member, a duly executed application for such participation with the
49 retirement system of which such person is a member, provided such person
50 is such an EMT member on the date such application is filed.

51 3. Any election to be a participant in the twenty-two and one-half
52 year retirement program shall be irrevocable.

53 4. Where any participant in the twenty-two and one-half year retire-
54 ment program shall cease to be employed as an EMT member, they shall
55 cease to be such a participant and, during any period in which such
56 person is not so employed, they shall not be a participant in the twen-

1 ty-two and one-half year retirement program and shall not be eligible
2 for the benefits of subdivision c of this section.

3 5. Where any participant in the twenty-two and one-half year retire-
4 ment program terminates service as an EMT member and returns to such
5 service as an EMT member at a later date, they shall again become such a
6 participant on that date.

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

15 c. Service retirement benefits. 1. A participant in the twenty-two and
16 one-half year retirement program:

17 (i) who has completed twenty-two and one-half or more years of credit-
18 able city service; and

19 (ii) who files with the retirement system an application for service
20 retirement setting forth at what time, not less than thirty days subse-
21 quent to the execution and filing thereof, such participant desires to
22 be retired; and

23 (iii) who shall be a participant in the twenty-two and one-half year
24 retirement program at the time so specified for such participant's
25 retirement; shall be retired pursuant to the provisions of this section
26 affording early service retirement.

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

31 (i) an amount, on account of the required minimum period of service,
32 equal to the sums of (A) an annuity which shall be the actuarial equiv-
33 alent of the accumulated deductions from such participant's pay during
34 such period, (B) a pension for increased-take-home-pay which shall be
35 the actuarial equivalent of the reserve-for-increased-take-home-pay to
36 which such participant may be entitled for such period, and (C) a
37 pension which, when added to such annuity and such pension for
38 increased-take-home-pay, produces a retirement allowance equal to
39 fifty-five percent of the salary earned or earnable in the year prior to
40 their retirement; plus

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

46 d. Vesting. 1. A participant in the twenty-two and one-half year
47 retirement program who:

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

50 (ii) prior to such discontinuance, completed five but less than twen-
51 ty-two years of creditable city service; and

52 (iii) does not withdraw in whole or in part such participant's accumu-
53 lated member contributions pursuant to section 13-141 of this chapter,
54 shall be entitled to receive a deferred vested benefit as provided in
55 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 such member's discontinuance, multiplied by the number of years of creditable city service.

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

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

f. Cost-of-living adjustments. Notwithstanding any other provision of law to the contrary, a person who retires with a retirement benefit provided for in the twenty-two and one-half year retirement program pursuant to the provisions of this section shall not be entitled to the cost-of-living adjustments provided pursuant to section 13-696 of the administrative code of the city of New York.

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

a. 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 as added by chapter four hundred seventy-two of the laws of nineteen hundred ninety-five, 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, and subdivision c of section four hundred forty-five-j of this article, the maximum retirement benefit computed without optional modification provided to a member of a retirement system who is subject to the provisions of this article, other than a police officer, a firefighter, an investigator member of the New York city employees' retirement system, a member of the uniformed personnel in institutions under the jurisdiction of the New York city department of correction who receives a performance of duty disability retirement allowance, a member of the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or a security hospital treatment assistant, as those terms are defined in subdivision i of section eighty-nine of this chapter, who receives a performance of duty disability retirement allowance, a member of a teachers' retirement system, New

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

27 § 3. Subdivision a of section 445 of the retirement and social securi-
28 ty law, as amended by chapter 714 of the laws of 2023, is amended to
29 read as follows:

30 a. No member of a retirement system who is subject to the provisions
31 of this article shall retire without regard to age, exclusive of retire-
32 ment for disability, unless ~~[he or she]~~ such member is a police officer,
33 an investigator member of the New York city employees' retirement
34 system, firefighter, correction officer, a qualifying member as defined
35 in section eighty-nine-t, as added by chapter six hundred fifty-seven of
36 the laws of nineteen hundred ninety-eight, of this chapter, sanitation
37 worker, a special officer (including persons employed by the city of New
38 York in the title urban park ranger or associate urban park ranger),
39 school safety agent, campus peace officer or a taxi and limousine
40 commission inspector member of the New York city employees' retirement
41 system or the New York city board of education retirement system, a
42 dispatcher member of the New York city employees' retirement system, a
43 police communications member of the New York city employees' retirement
44 system, an EMT member of the New York city employees' retirement system,
45 a deputy sheriff member of the New York city employees' retirement
46 system, a correction officer of the Westchester county correction
47 department as defined in section eighty-nine-e of this chapter or
48 employed in Suffolk county as a peace officer, as defined in section
49 eighty-nine-s, as added by chapter five hundred eighty-eight of the laws
50 of nineteen hundred ninety-seven, of this chapter, employed in Suffolk
51 county as a correction officer, as defined in section eighty-nine-f of
52 this chapter, or employed in Nassau county as a correction officer,
53 uniformed correction division personnel, sheriff, undersheriff or deputy
54 sheriff, as defined in section eighty-nine-g of this chapter, or
55 employed in Nassau county as an ambulance medical technician, an ambu-
56 lance medical technician/supervisor or a member who performs ambulance

1 medical technician related services, or a police medic, police medic
2 supervisor or a member who performs police medic related services, as
3 defined in section eighty-nine-s, as amended by chapter five hundred
4 seventy-eight of the laws of nineteen hundred ninety-eight, of this
5 chapter, or employed in Nassau county as a peace officer, as defined in
6 section eighty-nine-s, as added by chapter five hundred ninety-five of
7 the laws of nineteen hundred ninety-seven, of this chapter, or employed
8 in Albany county as a sheriff, undersheriff, deputy sheriff, correction
9 officer or identification officer, as defined in section eighty-nine-h
10 of this chapter or is employed in St. Lawrence county as a sheriff,
11 undersheriff, deputy sheriff or correction officer, as defined in
12 section eighty-nine-i of this chapter or is employed in Orleans county
13 as a sheriff, undersheriff, deputy sheriff or correction officer, as
14 defined in section eighty-nine-l of this chapter or is employed in
15 Jefferson county as a sheriff, undersheriff, deputy sheriff or
16 correction officer, as defined in section eighty-nine-j of this chapter
17 or is employed in Onondaga county as a deputy sheriff-jail division
18 competitively appointed or as a correction officer, as defined in
19 section eighty-nine-k of this chapter or is employed in a county which
20 makes an election under subdivision j of section eighty-nine-p of this
21 chapter as a sheriff, undersheriff, deputy sheriff or correction officer
22 as defined in such section eighty-nine-p or is employed in Broome County
23 as a sheriff, undersheriff, deputy sheriff or correction officer, as
24 defined in section eighty-nine-m of this chapter or is a Monroe county
25 deputy sheriff-court security, or deputy sheriff-jailor as defined in
26 section eighty-nine-n, as added by chapter five hundred ninety-seven of
27 the laws of nineteen hundred ninety-one, of this chapter or is employed
28 in Greene county as a sheriff, undersheriff, deputy sheriff or
29 correction officer, as defined in section eighty-nine-o of this chapter
30 or is a traffic officer with the town of Elmira as defined in section
31 eighty-nine-q of this chapter or is employed by Suffolk county as a park
32 police officer, as defined in section eighty-nine-r of this chapter or
33 is a peace officer employed by a county probation department as defined
34 in section eighty-nine-t, as added by chapter six hundred three of the
35 laws of nineteen hundred ninety-eight, of this chapter or is employed in
36 Rockland county as a deputy sheriff-civil as defined in section eighty-
37 nine-v of this chapter as added by chapter four hundred forty-one of the
38 laws of two thousand one, or is employed in Rockland county as a superi-
39 or correction officer as defined in section eighty-nine-v of this chap-
40 ter as added by chapter five hundred fifty-six of the laws of two thou-
41 sand one or is a paramedic employed by the police department in the town
42 of Tonawanda and retires under the provisions of section eighty-nine-v
43 of this chapter, as added by chapter four hundred seventy-two of the
44 laws of two thousand one, or is a county fire marshal, supervising fire
45 marshal, fire marshal, assistant fire marshal, assistant chief fire
46 marshal, chief fire marshal, division supervising fire marshal or fire
47 marshal trainee employed by the county of Nassau as defined in section
48 eighty-nine-w of this chapter or is employed in Monroe county as a depu-
49 ty sheriff-civil as defined in section eighty-nine-x of this chapter,
50 employed as an emergency medical technician, critical care technician,
51 advanced emergency medical technician, paramedic or supervisor of such
52 titles in a participating Suffolk county fire district as defined in
53 section eighty-nine-ss of this chapter, and is in a plan which permits
54 immediate retirement upon completion of a specified period of service
55 without regard to age. Except as provided in subdivision c of section
56 four hundred forty-five-a of this article, subdivision c of section four

1 hundred forty-five-b of this article, subdivision c of section four
2 hundred forty-five-c of this article, subdivision c of section four
3 hundred forty-five-d of this article, subdivision c of section four
4 hundred forty-five-e of this article, subdivision c of section four
5 hundred forty-five-f of this article [~~and~~], subdivision c of section
6 four hundred forty-five-h of this article, and subdivision c of section
7 four hundred forty-five-j of this article, a member in such a plan and
8 such an occupation, other than a police officer or investigator member
9 of the New York city employees' retirement system or a firefighter,
10 shall not be permitted to retire prior to the completion of twenty-five
11 years of credited service; provided, however, if such a member in such
12 an occupation is in a plan which permits retirement upon completion of
13 twenty years of service regardless of age, [~~he or she~~] such member may
14 retire upon completion of twenty years of credited service and prior to
15 the completion of twenty-five years of service, but in such event the
16 benefit provided from funds other than those based on such a member's
17 own contributions shall not exceed two per centum of final average sala-
18 ry per each year of credited service.

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

21 § 445-j. Optional twenty-two and one-half year improved benefit
22 retirement program for EMT members. a. Definitions. The following words
23 and phrases as used in this section shall have the following meanings
24 unless a different meaning is plainly required by the context.

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

27 2. "EMT member" shall mean a member of the retirement system who is
28 subject to the provisions of this article, who is employed by the city
29 of New York or by the New York city health and hospitals corporation in
30 a title whose duties are those of an emergency medical technician or
31 advanced emergency medical technician, as those terms are defined in
32 section three thousand one of the public health law, or in a title whose
33 duties require the supervision of employees whose duties are those of an
34 emergency medical technician or advanced emergency medical technician,
35 as those terms are defined in section three thousand one of the public
36 health law.

37 3. "Twenty-two and one-half year improved benefit retirement program"
38 shall mean all the terms and conditions of this section.

39 4. "Starting date of the twenty-two and one-half year improved benefit
40 retirement program" shall mean the effective date of this section.

41 5. "Participant in the twenty-two and one-half year improved benefit
42 retirement program" shall mean any EMT member who, under the applicable
43 provisions of subdivision b of this section, is entitled to the rights,
44 benefits and privileges and is subject to the obligations of the twen-
45 ty-two and one-half year improved benefit retirement program, as appli-
46 cable to such member.

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

49 7. "Accumulated deductions" shall mean accumulated deductions as
50 defined in subdivision eleven of section 13-101 of the administrative
51 code.

52 8. "Optional retirement provisions" shall mean the right to retire and
53 receive a retirement allowance under this section upon the completion of
54 twenty-two and one-half years of creditable service as an EMT member.

55 9. "Creditable service as an EMT member" shall mean (i) all service as
56 an EMT member; and (ii) all service while employed by the city of New

1 York or by the New York city health and hospitals corporation in the
2 title motor vehicle operator.

3 b. Election of twenty-two and one-half year improved benefit retire-
4 ment program. 1. Subject to the provisions of paragraphs five and six
5 of this subdivision, any person who is an EMT member on the starting
6 date of the twenty-two and one-half year improved benefit retirement
7 program may elect to become a participant in the twenty-two and one-half
8 year improved benefit retirement program by filing, within one hundred
9 eighty days after such starting date, a duly executed application for
10 such participation with the retirement system, provided such person is
11 such an EMT member on the date such application is filed.

12 2. Subject to the provision of paragraphs five and six of this subdi-
13 vision, any person who becomes an EMT member after the starting date of
14 the twenty-two and one-half year improved benefit retirement program may
15 elect to become a participant in the twenty-two and one-half year
16 improved benefit retirement program by filing, within one hundred eighty
17 days after becoming such an EMT member, a duly executed application for
18 such participation with the retirement system, provided such person is
19 such an EMT member on the date such application is filed.

20 3. Any election to be a participant in the twenty-two and one-half
21 year improved benefit retirement program shall be irrevocable.

22 4. Where any participant in the twenty-two and one-half year improved
23 benefit retirement program shall cease to hold a position as an EMT
24 member, they shall cease to be such a participant and, during any period
25 in which such a person does not hold such an EMT position, they shall
26 not be a participant in the twenty-two and one-half year improved bene-
27 fit retirement program and shall not be eligible for the benefits of
28 subdivision c of this section.

29 5. Where any participant in the twenty-two and one-half year improved
30 benefit retirement program terminates service as an EMT member and
31 returns to such service as an EMT member at a later date, they shall
32 again become such a participant on that date.

33 6. Notwithstanding any other provision of law to the contrary, any
34 person who is eligible to become a participant in the twenty-two and
35 one-half year improved benefit retirement program pursuant to paragraph
36 one or two of this subdivision for the full one hundred eighty day peri-
37 od provided for in such applicable paragraph and who fails to timely
38 file a duly executed application for such participation with the retire-
39 ment system, shall not thereafter be eligible to become a participant in
40 such program.

41 c. Service retirement benefits. Notwithstanding any other provision of
42 law to the contrary, where a participant in the twenty-two and one-half
43 year improved benefit retirement program, who is otherwise qualified for
44 a retirement allowance pursuant to the optional retirement provision set
45 forth in subdivision a of this section, has made and/or paid, while such
46 participant is an EMT member, all additional member contributions and
47 interest, if any, required by subdivision d of this section, then:

48 1. that participant, while they remain a participant, shall not be
49 subject to the provisions of subdivision a of section four hundred
50 forty-five of this article; and

51 2. if that participant, while such a participant, retires from
52 service, they shall not be subject to the provisions of section four
53 hundred forty-four of this article; and

54 3. their retirement allowance shall be an amount, on account of this
55 required minimum period of service, equal to the sum of (i) an annuity
56 which shall be the actuarial equivalent of the accumulated deductions

1 from their pay during such period, (ii) a pension for increased-take-
2 home-pay which shall be the actuarial equivalent of the reserve for
3 increased-take-home-pay to which such participant may be entitled, for
4 such period, and (iii) a pension which, when added to such annuity and
5 such pension for increased-take-home-pay, produces a retirement allow-
6 ance equal to fifty percent of such participant's final average salary,
7 plus an amount for each additional year of creditable service as an EMT
8 member, or fraction thereof, beyond such required minimum period of
9 service equal to two percent of their final average salary for such
10 creditable service as an EMT member during the period from completion of
11 twenty-two and one-half or more years of creditable service as an EMT
12 member to the date of retirement but not to exceed more than five years
13 of additional service as an EMT member.

14 d. Additional member contributions. 1. In addition to the member
15 contributions required pursuant to section 13-125 or section 13-162 of
16 the administrative code, each participant in the twenty-two and one-half
17 year improved benefit retirement program shall contribute, subject to
18 the applicable provisions of section 13-125.2 of the administrative
19 code, an additional six and one-half percent of their compensation
20 earned from all credited service, as a participant in the twenty-two and
21 one-half year improved benefit retirement program, rendered on and after
22 the starting date of the improved benefit retirement program, and all
23 creditable service as an EMT member after such person ceases to be a
24 participant, but before they again become a participant pursuant to
25 paragraph five of subdivision b of this section. A participant in the
26 twenty-two and one-half year improved benefit retirement program shall
27 contribute additional member contributions until the later of the date
28 as of which such participant is eligible to retire with at least twen-
29 ty-two and one-half or more years of creditable service as an EMT member
30 under such retirement program, or the first anniversary of the starting
31 date of the twenty-two and one-half year improved benefit retirement
32 program. The additional contributions required by this section shall be
33 in lieu of additional member contributions required by section four
34 hundred forty-five-d of this article, as added by chapter ninety-six of
35 the laws of nineteen hundred ninety-five, and shall be in lieu of addi-
36 tional member contributions required by section four hundred
37 forty-five-e of this article, as added by chapter five hundred seventy-
38 seven of the laws of two thousand, and no member paying additional
39 contributions pursuant to this section shall be required to pay addi-
40 tional contributions pursuant to such subdivision d of section four
41 hundred forty-five-d of this article or pursuant to such subdivision d
42 of section four hundred forty-five-e of this article.

43 2. Commencing with the first full payroll period after each person
44 becomes a participant in the twenty-two and one-half year improved bene-
45 fit retirement program, additional member contributions at the rate
46 specified in paragraph one of this subdivision shall be deducted,
47 subject to the applicable provisions of section 13-125.2 of the adminis-
48 trative code, from the compensation of such participant on each and
49 every payroll of such participant for each and every payroll period for
50 which they are such a participant.

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

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

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

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

17 (2) the rate of interest to be applied to each such amount during the
18 period for which interest accrues on that amount shall be equal to the
19 rate or rates of interest required by law to be used during that same
20 period to credit interest on the accumulated deductions of retirement
21 system members.

22 (ii) Except as provided in subparagraph (iii) of this paragraph, no
23 interest shall be due on any unpaid additional contributions which are
24 not attributable to the period prior to the first full payroll period
25 referred to in paragraph two of this subdivision.

26 (iii) Should any person who, pursuant to paragraph seven of this
27 subdivision, has withdrawn any additional member contributions and any
28 interest paid thereon, again become a participant in the twenty-two and
29 one-half year improved benefit retirement program pursuant to paragraph
30 five of subdivision b of this section, an appropriate amount shall be
31 included in such participant's contribution deficiency, including inter-
32 est thereon as calculated pursuant to subparagraph (ii) of this para-
33 graph, for any credited service with respect to which such person
34 received a refund of additional member contributions, including any
35 amount of an unpaid loan balance deemed to have been returned to such
36 person pursuant to paragraph seven of this subdivision, as if such addi-
37 tional member contributions never had been paid.

38 4. The board of trustees of the retirement system may, consistent with
39 the provisions of this subdivision, promulgate regulations for the
40 payment of the additional member contributions required by this subdivi-
41 sion, and any interest thereon, by a participant in the twenty-two and
42 one-half year improved benefit retirement program, including the
43 deduction of such contributions, and any interest thereon, from such
44 participant's compensation.

45 5. Where a participant who is otherwise eligible for service retire-
46 ment pursuant to subdivision c of this section did not, prior to the
47 effective date of retirement, pay the entire amount of a contribution
48 deficiency chargeable to such participant pursuant to paragraph three of
49 this subdivision, or repay the entire amount of a loan of such partic-
50 ipant's additional member contributions pursuant to paragraph eight of
51 this subdivision, including accrued interest on such loan, that partic-
52 ipant, nevertheless, shall be eligible to retire pursuant to subdivision
53 c of this section, provided, however, that where such participant is not
54 entitled to a refund of additional member contributions pursuant to
55 paragraph seven of this subdivision, such participant's service retire-
56 ment benefit calculated pursuant to the applicable provisions of subdivi-

1 vision c of this section shall be reduced by a life annuity, calculated
2 in accordance with the method set forth in subdivision i of section six
3 hundred thirteen-b of this chapter, which is actuarially equivalent to:

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

6 (ii) the amount of any unpaid balance of a loan of their additional
7 member contributions pursuant to paragraph eight of this subdivision,
8 including accrued interest on such loan.

9 6. Subject to the provisions of paragraph five of this subdivision,
10 where a participant has not paid in full any contribution deficiency
11 chargeable to such participant pursuant to paragraph three of this
12 subdivision, and a benefit, other than a refund of a member's accumu-
13 lated deductions or a refund of additional member contributions pursuant
14 to paragraph seven of this subdivision, becomes payable by the retire-
15 ment system to the participant or to their designated beneficiary or
16 estate, the actuarial equivalent of any such unpaid amount shall be
17 deducted from the benefit otherwise payable.

18 7. (i) All additional member contributions required by this subdivi-
19 sion, and any interest thereon, which are received by the retirement
20 system shall be paid into its contingent reserve fund and shall be the
21 property of the retirement system. Such additional member contributions,
22 and any interest thereon, shall not for any purpose be deemed to be
23 member contributions or accumulated deductions of a member of the
24 retirement system under section 13-125 or section 13-162 of the adminis-
25 trative code while they are a participant in the twenty-two and one-half
26 year improved benefit retirement program or otherwise.

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

38 (iii) Notwithstanding any other provision of law to the contrary, (A)
39 no person shall be permitted to withdraw from the retirement system any
40 additional member contributions paid pursuant to this subdivision or any
41 interest paid thereon, except pursuant to and in accordance with the
42 preceding subparagraphs of this paragraph; and (B) no person, while they
43 are a participant in the twenty-two and one-half year improved benefit
44 retirement program, shall be permitted to withdraw any such additional
45 member contributions or any interest paid thereon pursuant to any of the
46 preceding subparagraphs of this paragraph or otherwise.

47 8. A participant in the twenty-two and one-half year improved benefit
48 retirement program shall be permitted to borrow from their additional
49 member contributions, including any interest paid thereon, which are
50 credited to the additional contributions account established for such
51 participant in the contingent reserve fund of the retirement system. The
52 borrowing from such additional member contributions pursuant to this
53 paragraph shall be governed by the same rights, privileges, obligations
54 and procedures set forth in section six hundred thirteen-b of this chap-
55 ter which govern the borrowing by members subject to article fifteen of
56 this chapter of member contributions made pursuant to section six

1 hundred thirteen of this chapter. The board of trustees of the retire-
2 ment system may, consistent with the provisions of this subdivision,
3 promulgate regulations governing the borrowing of such additional member
4 contributions.

5 9. Wherever a person has an unpaid balance of a loan of such person's
6 additional member contributions pursuant to paragraph eight of this
7 subdivision at the time such person becomes entitled to a refund of
8 their additional member contributions pursuant to subparagraph (ii) of
9 paragraph seven of this subdivision, the amount of such unpaid loan
10 balance, including accrued interest, shall be deemed to have been
11 returned to such member, and the refund of such additional contributions
12 shall be the net amount of such contributions, together with interest
13 thereon in accordance with the provisions of such subparagraph.

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

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

21 e. The provisions of this section shall not be construed to provide
22 benefits to any participant in the twenty-two and one-half year improved
23 benefit retirement program which are greater than those which would be
24 received by a similarly situated member who is entitled to benefits
25 under the provisions of section 13-157.5 of the administrative code, but
26 who is not governed by the provisions of this article.

27 f. Cost-of-living adjustments. Notwithstanding any other provision of
28 law to the contrary, a person who retires with a retirement benefit
29 provided for in the twenty-two and one-half year retirement program
30 pursuant to the provisions of this section shall not be entitled to the
31 cost-of-living adjustments provided pursuant to section 13-696 of the
32 administrative code of the city of New York.

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

36 3. Each EMT member, other than an EMT member subject to paragraph one
37 or two of this subdivision, who [~~becomes~~] became subject to the
38 provisions of this article on or after the starting date of the twenty-
39 five year retirement program and prior to the starting date of the twen-
40 ty-two and one-half year retirement program provided for in section six
41 hundred four-k of this article shall [~~become~~] continue to be a partic-
42 ipant in the twenty-five year retirement program [~~on the date he or she~~
43 ~~becomes such an EMT member~~], unless such person elects to become a
44 member of the twenty-two and one-half year retirement program in accord-
45 ance with the conditions and terms of such section six hundred four-k.
46 Provided, however, a person subject to this paragraph, and who has
47 exceeded age twenty-five upon employment as an EMT member, shall be
48 exempt from participation in the improved twenty-five year retirement
49 program if such person elects not to participate by filing a duly
50 executed form with the retirement system within one hundred eighty days
51 of becoming an EMT member.

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

54 § 604-k. Twenty-two and one-half year retirement program for EMT
55 members. a. Definitions. The following words and phrases as used in this

1 section shall have the following meanings unless a different meaning is
2 plainly required by the context.

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

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

14 3. "Starting date of the twenty-two and one-half year retirement
15 program" shall mean the effective date of this section.

16 4. "Participant in the twenty-two and one-half year retirement
17 program" shall mean any EMT member who, under the applicable provisions
18 of subdivision b of this section, is entitled to the rights, benefits
19 and privileges and is subject to the obligations of the twenty-two and
20 one-half year retirement program, as applicable to such member.

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

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

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

31 b. Participation in the twenty-two and one-half year retirement
32 program. 1. Subject to the provisions of paragraphs six and seven of
33 this subdivision, any person who is an EMT member on the starting date
34 of the twenty-two and one-half year retirement program and who, as such
35 an EMT member or otherwise, last became subject to the provisions of
36 this article prior to such starting date, may elect to become a partic-
37 ipant in the twenty-two and one-half year retirement program by filing,
38 within one hundred eighty days after such starting date, a duly executed
39 application for such participation with the retirement system of which
40 such person is a member, provided such person is such an EMT member on
41 the date such application is filed. An EMT member who elects to become a
42 member of the twenty-two and one-half year retirement program pursuant
43 to this paragraph shall cease to be a member of the twenty-five year
44 retirement program provided for in section six hundred four-e of this
45 article, as added by chapter five hundred seventy-seven of the laws of
46 two thousand.

47 2. Subject to the provisions of paragraphs six and seven of this
48 subdivision, any person who becomes an EMT member after the starting
49 date of the twenty-two and one-half year retirement program and who, as
50 such an EMT member or otherwise, last became subject to the provisions
51 of this article prior to such starting date, may elect to become a
52 participant in the twenty-two and one-half year retirement program by
53 filing, within one hundred eighty days after becoming such an EMT
54 member, a duly executed application for such participation with the
55 retirement system for which such person is a member, provided such
56 person is such an EMT member on the date such application is filed. An

1 EMT member who elects to become a member of the twenty-two and one-half
2 year retirement program pursuant to this paragraph shall cease to be a
3 member of the twenty-five year retirement program provided for in
4 section six hundred four-e of this article, as added by chapter five
5 hundred seventy-seven of the laws of two thousand.

6 3. Any election to be a participant in the twenty-two and one-half
7 year retirement program shall be irrevocable.

8 4. Each EMT member who becomes subject to the provisions of this arti-
9 cle on or after the starting date of the twenty-two and one-half year
10 retirement program shall become a participant in the twenty-two and
11 one-half year retirement program on the date such participant becomes an
12 EMT member.

13 5. Where any participant in the twenty-two and one-half year retire-
14 ment program shall cease to hold a position as an EMT member, they shall
15 cease to be such a participant and, during any period in which such
16 person does not hold such an EMT position, they shall not be a partic-
17 ipant in the twenty-two and one-half year retirement program and shall
18 not be eligible for the benefits of subdivision c of this section.

19 6. Where any participant in the twenty-two and one-half year retire-
20 ment program terminates service as an EMT member and returns to such
21 service as an EMT member at a later date, they shall again become such a
22 participant on that date.

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

31 c. Service retirement benefits. 1. A participant in the twenty-two and
32 one-half year retirement program:

33 (i) who has completed twenty-two and one-half or more years of credit-
34 able service as an EMT member; and

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

38 (iii) who files with the retirement system of which such participant
39 is a member an application for service retirement setting forth at what
40 time, not less than thirty days subsequent to the execution and filing
41 thereof, such participant desires to be retired; and

42 (iv) who shall be a participant in the twenty-two and one-year year
43 retirement program at the time so specified for such participant's
44 retirement; shall be retired pursuant to the provisions of this section
45 affording early service retirement.

46 2. Notwithstanding any other provision of law to the contrary, and
47 subject to the provisions of paragraph six of subdivision e of this
48 section, the service retirement benefit for participants in the twenty-
49 two and one-half year retirement program who retire pursuant to para-
50 graph one of this subdivision shall be a retirement allowance consisting
51 of:

52 (i) an amount, on account of the required minimum period of service,
53 equal to fifty percent of such participant's final average salary; plus

54 (ii) an amount on account of creditable service as an EMT member, or
55 fraction thereof, beyond such required minimum period of service equal
56 to two percent of their final salary as an EMT member during the period

1 from the completion of twenty-two and one-half years of creditable
2 service as an EMT member to the date of retirement but not to exceed
3 more than five years of additional service as an EMT member.

4 d. Vesting. 1. A participant in the twenty-two and one-half year
5 retirement program:

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

8 (ii) who prior to such discontinuance, completed five but less than
9 twenty-two and one-half years of creditable service as an EMT member;
10 and

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

15 (iv) who does not withdraw in whole or in part their accumulated
16 member contributions pursuant to section six hundred thirteen of this
17 article unless such participant thereafter returns to public service and
18 repays the amounts so withdrawn, together with interest, pursuant to
19 such section six hundred thirteen shall be entitled to receive a
20 deferred vested benefit as provided in this subdivision.

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

24 (ii) In the case of a participant who is not a New York city revised
25 plan member, such vested benefit shall become payable on the earliest
26 date on which such discontinued member could have retired for service if
27 such discontinuance had not occurred, or, in the case of a participant
28 who is a New York city revised plan member, such vested benefit shall
29 become payable at age sixty-three.

30 3. Subject to the provisions of paragraph seven of subdivision e of
31 this section, such deferred vested benefit shall be a retirement allow-
32 ance consisting of an amount equal to two percent of such discontinued
33 member's final average salary, multiplied by the number of years of
34 creditable service as an EMT member.

35 e. Additional member contributions. 1. In addition to the member
36 contributions required by section six hundred thirteen of this article,
37 each participant in the twenty-two and one-half year retirement program
38 shall contribute to the retirement system of which they are a member,
39 subject to the applicable provisions of subdivision d of section six
40 hundred thirteen of this article, an additional six and one-half percent
41 of such participant's compensation earned from (i) all creditable
42 service, as a participant in the twenty-two and one-half year retirement
43 program, rendered on or after the starting date of the twenty-two and
44 one-half year retirement program, and (ii) all creditable service after
45 such person ceases to be a participant, but before such person again
46 becomes a participant pursuant to paragraph six of subdivision b of this
47 section. The additional contributions required by this section shall be
48 in lieu of additional member contributions required by subdivision d of
49 section six hundred four-c of this chapter as added by chapter ninety-
50 six of the laws of nineteen hundred ninety-five, and shall be in lieu of
51 additional member contributions required by subdivision e of section six
52 hundred four-e of this chapter as added by chapter five hundred seven-
53 ty-seven of the laws of two thousand, and no member making additional
54 contributions pursuant to this section shall be required to make
55 contributions pursuant to such subdivision d of section six hundred

1 four-c of this article or such subdivision e of section six hundred
2 four-e of this article.

3 2. A participant in the twenty-two and one-half year retirement
4 program shall contribute additional member contributions until the later
5 of (i) the first anniversary of the starting date of the twenty-two and
6 one-half year retirement program, or (ii) the date on which such partic-
7 ipant completes twenty-seven and one-half years of credited service as
8 an EMT member.

9 3. Commencing with the first full payroll period after each person
10 becomes a participant in the twenty-two and one-half year retirement
11 program, additional member contributions at the rate specified in para-
12 graph one of this subdivision shall be deducted, subject to the applica-
13 ble provisions of subdivision d of section six hundred thirteen of this
14 article, from the compensation of such participant on each and every
15 payroll of such participant for each and every payroll period for which
16 they are such a participant.

17 4. (i) Each participant in the twenty-two and one-half year retirement
18 program shall be charged with a contribution deficiency consisting of
19 the total amounts of additional member contributions such person is
20 required to make pursuant to paragraphs one and two of this subdivision
21 which are not deducted from such person's compensation pursuant to para-
22 graph three of this subdivision, if any, together with interest thereon,
23 compounded annually, and computed in accordance with the provisions of
24 subparagraphs (ii) and (iii) of this paragraph.

25 (ii)(A) The interest required to be paid on each such amount specified
26 in subparagraph (i) of this paragraph shall accrue from the end of the
27 payroll period for which such amount would have been deducted from
28 compensation if such person had been a participant at the beginning of
29 that payroll period and such deduction had been required for such
30 payroll period, until such amount is paid to the retirement system.

31 (B) The rate of interest to be applied to each such amount during the
32 period for which interest accrues on that amount shall be equal to the
33 rate or rates of interest required by law to be used during that same
34 period to credit interest on the accumulated deductions of retirement
35 system members.

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

40 5. (i) Should any person who, pursuant to subparagraph (ii) of para-
41 graph ten of this subdivision, has received a refund of their additional
42 member contributions including any interest paid on such contributions,
43 again become a participant in the twenty-two and one-half year retire-
44 ment program pursuant to paragraph six of subdivision b of this section,
45 an appropriate amount shall be included in such participant's contrib-
46 ution deficiency, including interest thereon as calculated pursuant to
47 subparagraph (ii) of this paragraph, for any credited service for which
48 such person received a refund of such additional member contributions,
49 including any amount of an unpaid loan balance deemed to have been
50 returned to such person pursuant to paragraph twelve of this subdivi-
51 sion, as if such additional member contributions never had been paid.

52 (ii) (A) Interest on a participant's additional member contributions
53 included in such participant's contribution deficiency pursuant to
54 subparagraph (i) of this paragraph shall be calculated as if such addi-
55 tional member contributions had never been paid by such participant, and
56 such interest shall accrue from the end of the payroll period to which

1 an amount of such additional member contributions is attributable, until
2 such amount is paid to the retirement system.

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

6 6. Where a participant who is otherwise eligible for service retire-
7 ment pursuant to subdivision c of this section did not, prior to the
8 effective date of retirement, pay the entire amount of a contribution
9 deficiency chargeable to such participant pursuant to paragraphs four
10 and five of this subdivision, or repay the entire amount of a loan of
11 their additional member contributions pursuant to paragraph eleven of
12 this subdivision, including accrued interest on such loan, that partic-
13 ipant, nevertheless, shall be eligible to retire pursuant to subdivision
14 c of this section, provided, however, that such participant's service
15 retirement benefit calculated pursuant to paragraph two of such subdivi-
16 sion c shall be reduced by a life annuity, calculated in accordance with
17 the method set forth in subdivision i of section six hundred thirteen-b
18 of this article, which is actuarially equivalent to:

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

22 (ii) the amount of any unpaid balance of a loan of such participant's
23 additional member contributions pursuant to paragraph eleven of this
24 subdivision, including accrued interest on such loan.

25 7. Where a participant who is otherwise eligible for a vested right to
26 a deferred benefit pursuant to subdivision d of this section did not,
27 prior to the date of discontinuance of service, pay the entire amount of
28 a contribution deficiency chargeable to such participant pursuant to
29 paragraphs four and five of this subdivision, or repay the entire amount
30 of a loan of their additional member contributions pursuant to paragraph
31 eleven of this subdivision, including accrued interest on such loan,
32 that participant, nevertheless, shall have a vested right to a deferred
33 benefit pursuant to subdivision d of this section provided, however,
34 that the deferred vested benefit calculated pursuant to paragraph three
35 of subdivision d of this section shall be reduced by a life annuity,
36 calculated in accordance with the method set forth in subdivision i of
37 section six hundred thirteen-b of this article, which is actuarially
38 equivalent to:

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

41 (ii) the amount of any unpaid balance of a loan of their additional
42 member contributions pursuant to paragraph eleven of this subdivision,
43 including accrued interest on such loan.

44 8. The head of a retirement system which includes participants in the
45 twenty-two and one-half year retirement program in its membership may,
46 consistent with the provisions of this subdivision, promulgate regu-
47 lations for the payment of such additional member contributions, and any
48 interest thereon, by such participants, including the deduction of such
49 contributions, and any interest thereon, from the participant's compen-
50 sation.

51 9. Subject to the provisions of paragraphs six and seven of this
52 subdivision, where a participant has not paid in full any contribution
53 deficiency chargeable to such participant pursuant to paragraphs four
54 and five of this subdivision, and a benefit, other than a refund of
55 member contributions pursuant to section six hundred thirteen of this
56 article or a refund of additional member contributions pursuant to

1 subparagraph (ii) of paragraph ten of this subdivision, becomes payable
2 under this article to the participant or to their designated beneficiary
3 or estate, the actuarial equivalent of any such unpaid amount shall be
4 deducted from the benefit otherwise payable.

5 10. (i) Such additional member contributions, and any interest there-
6 on, shall be paid into the contingent reserve fund of the retirement
7 system of which the participant is a member and shall not for any
8 purpose be deemed to be member contributions or accumulated contrib-
9 utions of a member under section six hundred thirteen of this article or
10 otherwise while they are a participant in the twenty-two and one-half
11 year retirement program or otherwise.

12 (ii) Should a participant in the twenty-two and one-half year retire-
13 ment program who has rendered less than fifteen years of credited
14 service cease to hold a position as an EMT member for any reason whatso-
15 ever, such participant's accumulated additional member contributions
16 made pursuant to this subdivision, together with any interest thereon
17 paid to the retirement system, may be withdrawn by such participant
18 pursuant to procedures promulgated in regulations of the board of trus-
19 tees of the retirement system, together with interest thereon at the
20 rate of five percent per annum, compounded annually.

21 (iii) Notwithstanding any other provision of law to the contrary, (A)
22 no person shall be permitted to withdraw from the retirement system any
23 additional member contributions paid pursuant to this subdivision or any
24 interest paid thereon, except pursuant to and in accordance with the
25 preceding subparagraphs of this paragraph; and (B) no person, while they
26 are a participant in the twenty-two and one-half year retirement
27 program, shall be permitted to withdraw any such additional member
28 contributions or any interest paid thereon pursuant to any of the
29 preceding subparagraphs of this paragraph or otherwise.

30 11. A participant in the twenty-two and one-half year retirement
31 program shall be permitted to borrow from their additional member
32 contributions, including any interest paid thereon, which are credited
33 to the additional contributions account established for such participant
34 in the contingent reserve fund of the retirement system. The borrowing
35 from such additional member contributions pursuant to this paragraph
36 shall be governed by the rights, privileges, obligations and procedures
37 set forth in section six hundred thirteen-b of this article which govern
38 the borrowing of member contributions made pursuant to section six
39 hundred thirteen of this article. The board of trustees of the retire-
40 ment system may, consistent with the provisions of this subdivision and
41 the provisions of section six hundred thirteen-b of this article as made
42 applicable to this subdivision, promulgate regulations governing the
43 borrowing of such additional member contributions.

44 12. Whenever a person has an unpaid balance of a loan or such person's
45 additional member contributions pursuant to paragraph eleven of this
46 subdivision at the time they become entitled to a refund of their addi-
47 tional member contributions pursuant to subparagraph (ii) of paragraph
48 ten of this subdivision, the amount of such unpaid loan balance, includ-
49 ing accrued interest shall be deemed to have been returned to such
50 member, and the refund of such additional contributions shall be the net
51 amount of such contribution, together with interest thereon in accord-
52 ance with the provisions of such subparagraph (ii).

53 f. Cost-of-living adjustments. Notwithstanding any other provision of
54 law to the contrary, a person who retires with a retirement benefit
55 provided for in the twenty-two and one-half year retirement program
56 pursuant to the provisions of this section shall not be entitled to the

1 cost-of-living adjustments provided pursuant to section 13-696 of the
2 administrative code of the city of New York.

3 § 7. Paragraph 7 of subdivision d of section 613 of the retirement and
4 social security law, as added by chapter 577 of the laws of 2000, is
5 amended to read as follows:

6 7. (i) The city of New York shall, in the case of an EMT member (as
7 defined in paragraph one of subdivision a of section six hundred four-e
8 of this article) who is a participant in the twenty-five year retirement
9 program (as defined in paragraph four of subdivision a of such section
10 six hundred four-e), and in the case of an EMT member (as defined in
11 paragraph one of subdivision a of section six hundred four-k of this
12 article) who is a participant in the twenty-two and one-half year
13 retirement program (as defined in paragraph four of subdivision a of
14 such section six hundred four-k), and who is not rendered ineligible for
15 such pick ups by another provision of law, pick up and pay to the
16 retirement system of which such participant is a member all additional
17 member contributions which otherwise would be required to be deducted
18 from such member's compensation pursuant to paragraphs one and two of
19 subdivision e of [~~such~~] section six hundred four-e of this article, or
20 pursuant to paragraphs one and two of subdivision e of section six
21 hundred four-k of this article, (not including any additional member
22 contributions 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~~] such member
31 hereunder) and 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-e 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 contribu-
41 tions 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-e and subdivi-
45 sion e of section six hundred four-k of this article.

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 by a public
54 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 and one-half year 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 and one-half year 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:

(2-h) For the purpose of determining the retirement system rights, benefits and privileges of any member who is a participant in the twenty-two and one-half year retirement program, as defined in paragraph two of subdivision a of section 13-157.5 of this chapter, the additional member contributions of such participant picked up pursuant to subdivision a-nine of this section shall be deemed to be and treated as a part of such member's additional contributions under subdivision e of such section 13-157.5.

(2-i) For the purpose of determining the retirement system rights, benefits and privileges of any member who is a participant in the twenty-two and one-half year retirement program, as defined in paragraph three of subdivision a of section four hundred forty-five-j of the retirement and social security law, the additional member contributions of such participant picked up pursuant to subdivision a-ten of this section shall be deemed to be and treated as a part of such member's

additional member contributions under subdivision d of section four hundred forty-five-j of the retirement and social security law.

§ 11. Paragraph 3 of subdivision d 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:

(3) Interest on contributions picked up for any Tier I or Tier II non-uniformed-force member pursuant to this section (other than additional member contributions 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) shall accrue in favor of the member and be payable to the retirement system at the same rate, for the same time periods, in the same manner and under the same circumstances as interest would be required to accrue in favor of the member and be payable to the retirement system on such contributions if they were made by such member in the absence of a pick up program applicable to such member under the provisions of this section.

§ 12. Subdivision a of section 603 of the retirement and social security law, as amended by section 3 of part EE of chapter 55 of the laws of 2024, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article, subdivision c of section six hundred four-i of this article, ~~[or]~~ subdivision c of section six hundred four-j of this article, or subdivision c of section six hundred four-k of this article, provided, however, a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system before April first, two thousand twelve may retire without reduction of their retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of their retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service, provided further that the preceding provisions of this subdivision shall not apply to a New York city revised plan member.

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

13. (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-k

1 of this article, who is a participant in the twenty-two and one-half
2 year retirement program, as defined in paragraph four of subdivision a
3 of such section six hundred four-k, pick up and pay to the retirement
4 system of which such participant is a member all additional member
5 contributions which otherwise would be required to be deducted from such
6 member's compensation pursuant to paragraphs one and two of subdivision
7 e of such section six hundred four-k, not including any additional
8 member contributions due for any period prior to the first full payroll
9 period referred to in such paragraph three of such subdivision e, and
10 shall effect such pick up on each and every payroll of such participant
11 for each and every payroll period with respect to which such paragraph
12 three would otherwise require such deductions.

13 (ii) An amount equal to the amount of additional contributions picked
14 up pursuant to this paragraph shall be deducted by such employer from
15 the compensation of such member, as such compensation would be in the
16 absence of a pick up program applicable to such member hereunder, and
17 shall not be paid to such member.

18 (iii) The additional member contributions picked up pursuant to this
19 paragraph for any such member shall be paid by such employer in lieu of
20 an equal amount of additional member contributions otherwise required to
21 be paid by such member under the applicable provisions of subdivision e
22 of section six hundred four-k of this article, and shall be deemed to be
23 and treated as employer contributions pursuant to section 414(h) of the
24 Internal Revenue Code.

25 (iv) For the purpose of determining the retirement system rights,
26 benefits and privileges of any member whose additional member contrib-
27 utions are picked up pursuant to this paragraph, such picked up addi-
28 tional member contributions shall be deemed to be and treated as part of
29 such member's additional member contributions under the applicable
30 provisions of subdivision e of section six hundred four-k of this arti-
31 cle.

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

41 § 14. Nothing contained in sections seven, twelve and twelve-a of this
42 act shall be construed to create any contractual right with respect to
43 members to whom such sections apply. The provisions of such sections are
44 intended to afford members the advantages of certain benefits contained
45 in the internal revenue code, and the effectiveness and existence of
46 such sections and benefits they confer are completely contingent there-
47 on.

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

49 (a) The provisions of sections seven, twelve and thirteen of this act
50 shall remain in force and effect only so long as, pursuant to federal
51 law, contributions picked up under such sections are not includable as
52 gross income of a member for federal income tax purposes until distrib-
53 uted or made available to the member; provided that the New York city
54 employees' retirement system shall notify the legislative bill drafting
55 commission upon the occurrence of such a change in federal law ruling
56 affecting the provisions of this act in order that the commission may

1 maintain an accurate and timely effective data base of the official text
 2 of the laws of the state of New York in furtherance of effectuating the
 3 provisions of section 44 of the legislative law and section 70-b of the
 4 public officers law;

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

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

13 (d) The amendments to subdivision a of section 603 of the retirement
 14 and social security law made by section twelve of this act shall not
 15 affect the expiration of such subdivision and shall be deemed to expire
 16 therewith.

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

SUMMARY: This proposed legislation would establish 22.5-Year Retirement Programs for New York City Emergency Medical Technicians (EMT 22.5-Year Plans) for each tier.

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

Year	NYCERS
2025	26.3
2026	26.0
2027	25.9
2028	25.8
2029	25.6
2030	25.2
2031	24.8
2032	24.5
2033	24.1
2034	23.8
2035	23.3
2036	22.8
2037	6.7
2038	6.3
2039	6.0
2040	5.6
2041	5.2
2042	4.7
2043	4.1
2044	3.5
2045	3.0
2046	2.5
2047	2.1
2048	1.9
2049	1.8

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

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

INITIAL INCREASE (DECREASE) IN ACTUARIAL LIABILITIES

as of June 30, 2023 (\$ in Millions)

Present Value (PV)	NYCERS
PV of Benefits:	159.9
PV of Employee Contributions:	(43.2)
PV of Employer Contributions:	203.1
Unfunded Accrued Liabilities:	120.2

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS
Number of Payments:	12
Fiscal Year of Last Payment:	2036
Amortization Payment:	15.7 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 emergency medical technicians assumed to elect an EMT 22.5-Year Plan is summarized below.

	NYCERS
Active Members	
- Number Count:	3,657
- Average Age:	35.6
- Average Service:	8.6
- Average Salary:	71,600

IMPACT ON MEMBER BENEFITS AND CONTRIBUTIONS: The proposed legislation would provide a service retirement benefit equal to

o 50% of Final Average Salary (FAS) for the first 22.5 years of creditable service as an EMT member,

o plus 2.0% of Final Salary for each additional year of creditable service as an EMT member exceeding 22.5 years to a maximum of 5 years.

Once a member in the EMT 22.5-Year Plan attains 22.5 years of creditable service as an EMT member, he or she would no longer be eligible to retire under his or her respective basic plan.

The vested benefit under the EMT 22.5-Year Plans is equal to 2.0% of FAS for each year of creditable service as an EMT member.

The retirement benefits provided by the EMT 22.5-Year Plan would not be subject to cost-of-living adjustments (COLA).

Plan participants would be required to pay Additional Member Contributions (AMC) equal to 6.5% of compensation for all service 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 27.5 years of credited service as an EMT member.

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

o The rates of retirement for the EMT 22.5-Year Plans were assigned based on the members' eligibility to elect or opt out of the plan. The EMT 22.5-Year Plan is optional for current emergency medical technicians. The EMT 22.5-Year Plan is mandatory for future emergency medical technicians.

o New entrants were assumed to replace exiting members so that total payroll for emergency medical technicians increases by 3% each year. New entrant demographics were developed based on data for recent new hires and actuarial judgement. Future members will be mandated into the EMT 22.5-Year plan.

o For purposes of this Fiscal Note, creditable service as an EMT member was assumed to include non-EMT service, due to insufficient data.

To determine the impact of the elective nature of the proposed legislation, a subgroup of EMT members was developed based on who is assumed to benefit actuarially by comparing the net present value of future employer costs of each member's benefit under their current plan and under the applicable EMT 22.5-Year Plan.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the data, 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 reflect any chapter laws that may have been enacted during the current legislative session.

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 2024-68 dated May 24, 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.