

# STATE OF NEW YORK

9597--A

## IN ASSEMBLY

March 26, 2024

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to authorizing an optional twenty-five year retirement plan for uniformed court officers and peace officers employed by the unified court system

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

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

3 § 89-y. Retirement of uniformed court officers and peace officers  
4 employed by the unified court system. a. Any member who is a uniformed  
5 court officer or a peace officer employed by the unified court system  
6 shall be eligible to retire pursuant to the provisions of this section.  
7 Such eligibility shall be an alternative to the eligibility provisions  
8 available under any other plan of this article to which such member is  
9 subject.

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

13 c. Upon completion of twenty-five years of such service and upon  
14 retirement, each such member shall receive a pension which, together  
15 with an annuity which shall be the actuarial equivalent of such member's  
16 accumulated contributions at the time of their retirement and an addi-  
17 tional pension which is the actuarial equivalent of the reserved-for-in-  
18 creased-take-home-pay to which such member may then be entitled shall be  
19 sufficient to provide such member with a retirement allowance equal to  
20 one-half of such member's final average salary.

21 d. As used in this section "creditable service" shall include any and  
22 all services performed as a uniformed court officer or a peace officer  
23 for the unified court system.

24 e. Credit for service as a member or officer of the state police or as  
25 a paid firefighter, police officer or officer of any organized fire

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

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1 department or police force or department of any county, city, village,  
2 town, fire district or police district, shall also be deemed to be cred-  
3 itable service and shall be included in computing years of total service  
4 for retirement pursuant to this section, provided such service was  
5 performed by the member while contributing to the retirement system  
6 pursuant to the provisions of this article or article eight of this  
7 chapter.

8 f. A member contributing on the basis of this section at the time of  
9 retirement, shall retire after the completion of twenty-five years of  
10 total creditable service. Application therefor may be filed in a manner  
11 similar to that provided in section seventy of this article. Upon  
12 completion of twenty-five years of such service and upon retirement,  
13 each such member shall receive a pension which, together with an annuity  
14 which shall be the actuarial equivalent of such member's accumulated  
15 contributions at the time of their retirement and an additional pension  
16 which is the actuarial equivalent of the reserve-for-increased-take-  
17 home-pay to which such member may then be entitled shall be sufficient  
18 to provide such member with a retirement allowance equal to one-half of  
19 such member's final average salary;

20 g. In computing the twenty-five years of total service of a member  
21 pursuant to this section full credit shall be given and full allowance  
22 shall be made for service of such member in time of war after World War  
23 I as defined in section two of this chapter, provided such member at the  
24 time of such member's entrance into the armed forces was in state  
25 service.

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

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

33 § 2. Subdivision a of section 445 of the retirement and social securi-  
34 ty law, as amended by chapter 714 of the laws of 2023, is amended to  
35 read as follows:

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

1 county as a correction officer, as defined in section eighty-nine-f of  
2 this chapter, or employed in Nassau county as a correction officer,  
3 uniformed correction division personnel, sheriff, undersheriff or deputy  
4 sheriff, as defined in section eighty-nine-g of this chapter, or  
5 employed in Nassau county as an ambulance medical technician, an ambu-  
6 lance medical technician/supervisor or a member who performs ambulance  
7 medical technician related services, or a police medic, police medic  
8 supervisor or a member who performs police medic related services, as  
9 defined in section eighty-nine-s, as amended by chapter five hundred  
10 seventy-eight of the laws of nineteen hundred ninety-eight, of this  
11 chapter, or employed in Nassau county as a peace officer, as defined in  
12 section eighty-nine-s, as added by chapter five hundred ninety-five of  
13 the laws of nineteen hundred ninety-seven, of this chapter, or employed  
14 in Albany county as a sheriff, undersheriff, deputy sheriff, correction  
15 officer or identification officer, as defined in section eighty-nine-h  
16 of this chapter or is employed in St. Lawrence county as a sheriff,  
17 undersheriff, deputy sheriff or correction officer, as defined in  
18 section eighty-nine-i of this chapter or is employed in Orleans county  
19 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
20 defined in section eighty-nine-l of this chapter or is employed in  
21 Jefferson county as a sheriff, undersheriff, deputy sheriff or  
22 correction officer, as defined in section eighty-nine-j of this chapter  
23 or is employed in Onondaga county as a deputy sheriff-jail division  
24 competitively appointed or as a correction officer, as defined in  
25 section eighty-nine-k of this chapter or is employed in a county which  
26 makes an election under subdivision j of section eighty-nine-p of this  
27 chapter as a sheriff, undersheriff, deputy sheriff or correction officer  
28 as defined in such section eighty-nine-p or is employed in Broome County  
29 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
30 defined in section eighty-nine-m of this chapter or is a Monroe county  
31 deputy sheriff-court security, or deputy sheriff-jailor as defined in  
32 section eighty-nine-n, as added by chapter five hundred ninety-seven of  
33 the laws of nineteen hundred ninety-one, of this chapter or is employed  
34 in Greene county as a sheriff, undersheriff, deputy sheriff or  
35 correction officer, as defined in section eighty-nine-o of this chapter  
36 or is a traffic officer with the town of Elmira as defined in section  
37 eighty-nine-q of this chapter or is employed by Suffolk county as a park  
38 police officer, as defined in section eighty-nine-r of this chapter or  
39 is a peace officer employed by a county probation department as defined  
40 in section eighty-nine-t, as added by chapter six hundred three of the  
41 laws of nineteen hundred ninety-eight, of this chapter or is employed in  
42 Rockland county as a deputy sheriff-civil as defined in section eighty-  
43 nine-v of this chapter as added by chapter four hundred forty-one of the  
44 laws of two thousand one, or is employed in Rockland county as a superi-  
45 or correction officer as defined in section eighty-nine-v of this chap-  
46 ter as added by chapter five hundred fifty-six of the laws of two thou-  
47 sand one or is a paramedic employed by the police department in the town  
48 of Tonawanda and retires under the provisions of section eighty-nine-v  
49 of this chapter, as added by chapter four hundred seventy-two of the  
50 laws of two thousand one, or is a county fire marshal, supervising fire  
51 marshal, fire marshal, assistant fire marshal, assistant chief fire  
52 marshal, chief fire marshal, division supervising fire marshal or fire  
53 marshal trainee employed by the county of Nassau as defined in section  
54 eighty-nine-w of this chapter or is employed in Monroe county as a depu-  
55 ty sheriff-civil as defined in section eighty-nine-x of this chapter,  
56 employed as an emergency medical technician, critical care technician,

1 advanced emergency medical technician, paramedic or supervisor of such  
2 titles in a participating Suffolk county fire district as defined in  
3 section eighty-nine-ss of this chapter, or is a uniformed court officer  
4 or a peace officer employed by the unified court system as defined in  
5 section eighty-nine-y of this chapter and is in a plan which permits  
6 immediate retirement upon completion of a specified period of service  
7 without regard to age. Except as provided in subdivision c of section  
8 four hundred forty-five-a of this article, subdivision c of section four  
9 hundred forty-five-b of this article, subdivision c of section four  
10 hundred forty-five-c of this article, subdivision c of section four  
11 hundred forty-five-d of this article, subdivision c of section four  
12 hundred forty-five-e of this article, subdivision c of section four  
13 hundred forty-five-f of this article and subdivision c of section four  
14 hundred forty-five-h of this article, a member in such a plan and such  
15 an occupation, other than a police officer or investigator member of the  
16 New York city employees' retirement system or a firefighter, shall not  
17 be permitted to retire prior to the completion of twenty-five years of  
18 credited service; provided, however, if such a member in such an occupa-  
19 tion is in a plan which permits retirement upon completion of twenty  
20 years of service regardless of age, [~~he or she~~] such member may retire  
21 upon completion of twenty years of credited service and prior to the  
22 completion of twenty-five years of service, but in such event the bene-  
23 fit provided from funds other than those based on such a member's own  
24 contributions shall not exceed two per centum of final average salary  
25 per each year of credited service.

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

28 w. The service retirement benefit specified in section six hundred  
29 four of this article shall be payable to members with twenty-five or  
30 more years of creditable service, without regard to age, who are  
31 employed as uniformed court officers or peace officers in the unified  
32 court system, as defined in section eighty-nine-y of this chapter if:  
33 (i) such members have met the minimum service requirements upon retire-  
34 ment, and (ii) in the case of a member subject to the provisions of  
35 article fourteen of this chapter, such member files an election therefor  
36 which provides that such member will be subject to the provisions of  
37 this article and to none of the provisions of such article fourteen.  
38 Such election, which shall be irrevocable, shall be in writing, duly  
39 executed and shall be filed with the comptroller within one year of the  
40 effective date of this subdivision or within one year of entering into  
41 service as a uniformed court officer or a peace officer employed by the  
42 unified court system. The term "creditable service" shall have the mean-  
43 ing as so defined in section eighty-nine-y and subdivision c of section  
44 six hundred one of this chapter.

45 § 4. Subdivision a of section 503 of the retirement and social securi-  
46 ty law, as amended by chapter 18 of the laws of 2012, is amended to read  
47 as follows:

48 a. The normal service retirement benefit specified in section five  
49 hundred four of this article shall be payable to general members, other  
50 than elective members, who have met the minimum service requirements  
51 upon retirement and attainment of age sixty-two, provided, however, a  
52 general member who is a peace officer employed by the unified court  
53 system or a member of a teachers' retirement system may retire without  
54 reduction of [~~his or her~~] such member's retirement benefit upon attain-  
55 ment of at least fifty-five years of age and completion of thirty or  
56 more years of service. For members who become members of the New York

1 state and local employees' retirement system on or after April first,  
2 two thousand twelve, the normal service retirement benefits specified in  
3 section five hundred four of this article shall be payable to general  
4 members, other than elective members, who have met the minimum service  
5 requirements upon retirement and attainment of age sixty-three; provided  
6 that, a member who is a uniformed court officer or a peace officer  
7 employed by the unified court system may retire without reduction of  
8 such member's retirement benefit upon attainment of twenty-five or more  
9 years of service if they have elected the special retirement plan found  
10 in section eighty-nine-y of this chapter.

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

13 w. The early service retirement for a member who is employed as a  
14 uniformed court officer or peace officer by the unified court system as  
15 defined in section eighty-nine-y of this chapter, shall be a pension  
16 equal to one-fiftieth of final average salary times years of credited  
17 service at the completion of twenty-five years of service as such  
18 uniformed court officer or a peace officer employed by the unified court  
19 system, but not exceeding one-half of such member's final average sala-  
20 ry.

21 § 6. Notwithstanding any provision of law to the contrary, none of the  
22 provisions of this act shall be subject to the appropriation requirement  
23 of section twenty-five of the retirement and social security law.

24 § 7. All past service costs associated with implementing the  
25 provisions of this act shall be borne by the state of New York.

26 § 8. This act shall take effect immediately.

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

This bill would permit members of the New York State and Local Employees' Retirement System employed by the Unified Court System as peace officers, including uniformed court officers, to retire upon completion of twenty-five years of creditable service with a benefit of one-half final average salary. Additionally, for those members covered under the provisions of Article 14 of the Retirement and Social Security Law, 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 the Unified Court System.

If this bill is enacted during the 2024 Legislative Session, we anticipate that there will be an increase of approximately \$25 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2025. In future years this cost will vary but is expected to average 3.5% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$115 million which will be borne by the State of New York as a one-time payment. This estimate assumes that payment will be made on March 1, 2025.

These estimated costs are based on 6,224 affected members employed by the Unified Court System, with annual salary of approximately \$609 million as of March 31, 2023.

Summary of relevant resources:

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

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

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

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

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

This estimate, dated April 9, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-153, prepared by the Actuary for the New York State and Local Retirement System.