STATE OF NEW YORK

7128

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the general municipal law, in relation to allowing certain members of the New York city fire department pension fund to receive a membership date in the New York city fire department pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York city police department cadet program

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

Section 1. Section 209-fff of the general municipal law, as added by chapter 431 of the laws of 2019, is amended to read as follows:

§ 209-fff. Provisions relating to a membership date in the New York city police pension fund **or the fire department pension fund** attributable to service in the titles of police cadet program and police cadet program II in the New York city police department cadet program. 1. Notwithstanding any provision of law to the contrary, upon election, any member of the New York city police pension fund **or the New York city fire department pension fund** who is subject to article fourteen of the retirement and social security law, and who served in the New York city police department cadet program in the title of police cadet program or police cadet program II prior to April first, two thousand twelve, but did not join the New York city employees' retirement system while serving in either such title, may purchase credit for the period of service in such titles in the New York city police department cadet program by paying into the New York city police pension fund **or the New York city fire department pension fund** all member contributions plus interest, at a rate of five percent per annum, which would have been payable to the New York city employees' retirement system under any provision of law had such member joined the New York city employees' retirement system on the earliest date that he or she was appointed to the title of police

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

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cadet program or police cadet program II in the New York city police department cadet program, provided such payment is made within five years after the effective date of this section.

2. Any member of the New York city police pension fund **or the New York city fire department pension fund** who acquires service credit pursuant to this section shall be entitled to all rights, benefits and privileges to which he or she would have been entitled had his or her membership in the New York city police pension fund **or the New York city fire department pension fund** begun upon the earliest date that he or she was appointed to the title of police cadet program or police cadet program II in the New York city police department cadet program, but in no event shall the service credit acquired pursuant to this section be deemed to be**: (a)** service in the police force or any other type of service counted or creditable as service in the police force under section 13-218 of the administrative code of the city of New York[~~,~~]**; (b) service in the fire department of the city of New York or any other type of service counted or credible as service in such fire department under section 13-318 of the administrative code of the city of New York; or (c) service under** section five hundred thirteen of the retirement and social security law or any other provision of law for purposes of eligibility for benefits and to determine the amount of benefits under the New York city police pension fund **or the New York city fire department pension fund**.

§ 2. This act shall take effect immediately.