

# STATE OF NEW YORK

5552

2025-2026 Regular Sessions

## IN ASSEMBLY

February 14, 2025

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

AN ACT to amend the retirement and social security law, in relation to establishing a twenty-five year retirement plan for firefighters employed by the division of military and naval affairs

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. Twenty-five year retirement plan for firefighters employed by  
4 the division of military and naval affairs. a. A member who serves as an  
5 airport firefighter apprentice, airport firefighter I, airport fire-  
6 fighter II, airport firefighter III, or training and safety officer and  
7 is employed by the division of military and naval affairs shall be  
8 eligible to retire pursuant to the provisions of this section. Such  
9 eligibility shall be an alternative to the eligibility provisions avail-  
10 able under any other plan of this article to which such member is  
11 subject.

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

15 c. Upon completion of twenty-five years of such service and upon  
16 retirement, each such member shall receive a pension which, together  
17 with an annuity which shall be the actuarial equivalent of their accumu-  
18 lated contributions at the time of their retirement and an additional  
19 pension which is the actuarial equivalent of the reserved-for-in-  
20 creased-take-home-pay to which they may then be entitled shall be suffi-  
21 cient to provide them with a retirement allowance equal to one-half of  
22 their final average salary.

23 d. As used in this section, "creditable service" shall include any and  
24 all services performed as a firefighter apprentice, airport firefighter  
25 I, airport firefighter II, airport firefighter III, or training and  
26 safety officer employed by the division of military and naval affairs.

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

LBD00937-02-5

1 e. Credit for service as a paid firefighter or officer of any organ-  
2 ized fire department shall also be deemed to be creditable service and  
3 shall be included in computing years of total service for retirement  
4 pursuant to this section.

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

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

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

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

32 j. Any member who, on or before the effective date of this section, is  
33 a firefighter apprentice, airport firefighter I, airport firefighter II,  
34 airport firefighter III, or training and safety officer employed by the  
35 division of military and naval affairs may, by filing an election within  
36 one year after the effective date of this section, elect to be subject  
37 to the provisions of this section. Such election shall be in writing,  
38 shall be duly executed and filed with the comptroller and shall be irre-  
39 vocable.

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

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

1 system, an EMT member of the New York city employees' retirement system,  
2 a deputy sheriff member of the New York city employees' retirement  
3 system, a correction officer of the Westchester county correction  
4 department as defined in section eighty-nine-e of this chapter or  
5 employed in Suffolk county as a peace officer, as defined in section  
6 eighty-nine-s, as added by chapter five hundred eighty-eight of the laws  
7 of nineteen hundred ninety-seven, of this chapter, employed in Suffolk  
8 county as a correction officer, as defined in section eighty-nine-f of  
9 this chapter, or employed in Nassau county as a correction officer,  
10 uniformed correction division personnel, sheriff, undersheriff or deputy  
11 sheriff, as defined in section eighty-nine-g of this chapter, or  
12 employed in Nassau county as an ambulance medical technician, an ambu-  
13 lance medical technician/supervisor or a member who performs ambulance  
14 medical technician related services, or a police medic, police medic  
15 supervisor or a member who performs police medic related services, as  
16 defined in section eighty-nine-s, as amended by chapter five hundred  
17 seventy-eight of the laws of nineteen hundred ninety-eight, of this  
18 chapter, or employed in Nassau county as a peace officer, as defined in  
19 section eighty-nine-s, as added by chapter five hundred ninety-five of  
20 the laws of nineteen hundred ninety-seven, of this chapter, or employed  
21 in Albany county as a sheriff, undersheriff, deputy sheriff, correction  
22 officer or identification officer, as defined in section eighty-nine-h  
23 of this chapter or is employed in St. Lawrence county as a sheriff,  
24 undersheriff, deputy sheriff or correction officer, as defined in  
25 section eighty-nine-i of this chapter or is employed in Orleans county  
26 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
27 defined in section eighty-nine-l of this chapter or is employed in  
28 Jefferson county as a sheriff, undersheriff, deputy sheriff or  
29 correction officer, as defined in section eighty-nine-j of this chapter  
30 or is employed in Onondaga county as a deputy sheriff-jail division  
31 competitively appointed or as a correction officer, as defined in  
32 section eighty-nine-k of this chapter or is employed in a county which  
33 makes an election under subdivision j of section eighty-nine-p of this  
34 chapter as a sheriff, undersheriff, deputy sheriff or correction officer  
35 as defined in such section eighty-nine-p or is employed in Broome County  
36 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
37 defined in section eighty-nine-m of this chapter or is a Monroe county  
38 deputy sheriff-court security, or deputy sheriff-jailor as defined in  
39 section eighty-nine-n, as added by chapter five hundred ninety-seven of  
40 the laws of nineteen hundred ninety-one, of this chapter or is employed  
41 in Greene county as a sheriff, undersheriff, deputy sheriff or  
42 correction officer, as defined in section eighty-nine-o of this chapter  
43 or is a traffic officer with the town of Elmira as defined in section  
44 eighty-nine-q of this chapter or is employed by Suffolk county as a park  
45 police officer, as defined in section eighty-nine-r of this chapter or  
46 is a peace officer employed by a county probation department as defined  
47 in section eighty-nine-t, as added by chapter six hundred three of the  
48 laws of nineteen hundred ninety-eight, of this chapter or is employed in  
49 Rockland county as a deputy sheriff-civil as defined in section eighty-  
50 nine-v of this chapter as added by chapter four hundred forty-one of the  
51 laws of two thousand one, or is employed in Rockland county as a superi-  
52 or correction officer as defined in section eighty-nine-v of this chap-  
53 ter as added by chapter five hundred fifty-six of the laws of two thou-  
54 sand one or is a paramedic employed by the police department in the town  
55 of Tonawanda and retires under the provisions of section eighty-nine-v  
56 of this chapter, as added by chapter four hundred seventy-two of the

1 laws of two thousand one, or is a county fire marshal, supervising fire  
2 marshal, fire marshal, assistant fire marshal, assistant chief fire  
3 marshal, chief fire marshal, division supervising fire marshal or fire  
4 marshal trainee employed by the county of Nassau as defined in section  
5 eighty-nine-w of this chapter or is employed in Monroe county as a depu-  
6 ty sheriff-civil as defined in section eighty-nine-x of this chapter,  
7 employed as an emergency medical technician, critical care technician,  
8 advanced emergency medical technician, paramedic or supervisor of such  
9 titles in a participating Suffolk county fire district as defined in  
10 section eighty-nine-ss of this chapter, or is a firefighter apprentice,  
11 airport firefighter I, airport firefighter II, airport firefighter III,  
12 or training and safety officer employed by the division of military and  
13 naval affairs as defined in section eighty-nine-y of this chapter and is  
14 in a plan which permits immediate retirement upon completion of a speci-  
15 fied period of service without regard to age. Except as provided in  
16 subdivision c of section four hundred forty-five-a of this article,  
17 subdivision c of section four hundred forty-five-b of this article,  
18 subdivision c of section four hundred forty-five-c of this article,  
19 subdivision c of section four hundred forty-five-d of this article,  
20 subdivision c of section four hundred forty-five-e of this article,  
21 subdivision c of section four hundred forty-five-f of this article and  
22 subdivision c of section four hundred forty-five-h of this article, a  
23 member in such a plan and such an occupation, other than a police offi-  
24 cer or investigator member of the New York city employees' retirement  
25 system or a firefighter, shall not be permitted to retire prior to the  
26 completion of twenty-five years of credited service; provided, however,  
27 if such a member in such an occupation is in a plan which permits  
28 retirement upon completion of twenty years of service regardless of age,  
29 [~~he or she~~] they may retire upon completion of twenty years of credited  
30 service and prior to the completion of twenty-five years of service, but  
31 in such event the benefit provided from funds other than those based on  
32 such a member's own contributions shall not exceed two per centum of  
33 final average salary per each year of credited service.

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

36 w. The service retirement benefit specified in section six hundred  
37 four of this article shall be payable to members with twenty-five years  
38 of creditable service, without regard to age, who are employed by the  
39 division of military and naval affairs as a firefighter apprentice,  
40 airport firefighter I, airport firefighter II, airport firefighter III,  
41 or training and safety officer as defined in section eighty-nine-y of  
42 this chapter if: (i) such members have met the minimum service require-  
43 ments upon retirement; and (ii) in the case of a member subject to the  
44 provisions of article fourteen of this chapter, such member files an  
45 election therefor which provides that they will be subject to the  
46 provisions of this article and to none of the provisions of such article  
47 fourteen. Such election, which shall be irrevocable, shall be in writ-  
48 ing, duly executed and shall be filed with the comptroller within one  
49 year of the effective date of this subdivision or within one year after  
50 entering the employment with the division of military and naval affairs  
51 upon which eligibility is based, whichever comes later. For the purposes  
52 of this subdivision, the term "creditable service" shall have the mean-  
53 ing as so defined in both sections eighty-nine-y and six hundred one of  
54 this chapter.

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

1 w. The early service retirement benefit for a member who is employed  
2 in the division of military and naval affairs as a firefighter appren-  
3 tice, airport firefighter I, airport firefighter II, airport firefighter  
4 III, or training and safety officer employed as defined in section  
5 eighty-nine-y of this chapter shall be a pension equal to one-fiftieth  
6 of final average salary times years of credited service at the  
7 completion of twenty-five years of service as such division of military  
8 and naval affairs firefighter apprentice, airport firefighter I, airport  
9 firefighter II, airport firefighter III, or training and safety officer,  
10 but not exceeding one-half of their final average salary.

11 § 5. This act shall take effect January 1, 2026.

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 Division of Military and Naval Affairs in certain airport firefighter titles to retire upon completion of twenty-five years of creditable service with a benefit of one-half final average salary. Affected members in Tiers 1 or 2 would be awarded additional sixtieths for all service, including non-firefighter service, in excess of twenty-five years. Additionally, members covered under Article 14 would be permitted one year to make an irrevocable election to switch to the twenty-five-year plan.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately \$280,000 in the annual contributions of the State of New York for the fiscal year ending March 31, 2026. In future years this cost will vary but is expected to average 4.2% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$2.17 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, 2026.

These estimated costs are based on 55 affected members employed by the Division of Military and Naval Affairs, with annual salary of approximately \$5.3 million as of March 31, 2024.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 January 23, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-12. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.