

STATE OF NEW YORK

6761

2025-2026 Regular Sessions

IN ASSEMBLY

March 12, 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 the retirement of correction officers of the Westchester county correction department

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

1 Section 1. Subdivisions c, f and g of section 89-e of the retirement
2 and social security law, as added by chapter 520 of the laws of 1988,
3 are amended to read as follows:

4 c. (1) Upon completion of twenty-five years of such service and upon
5 retirement, each such member shall receive a pension which, together
6 with an annuity which shall be the actuarial equivalent of [~~his~~] such
7 member's accumulated contributions at the time of [~~his~~] such member's
8 retirement and an additional pension which is the actuarial equivalent
9 of the reserved-for-increased-take-home-pay to which [~~he~~] such member
10 may then be entitled shall be sufficient to provide [~~him~~] such member
11 with a retirement allowance equal to one-half of [~~his~~] such member's
12 final average salary.

13 (2) Upon completion of thirty years of such service and upon retire-
14 ment, each such member shall receive a pension which, together with an
15 annuity which shall be the actuarial equivalent of such member's accumu-
16 lated contributions at the time of such member's 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 sixty percent of such member's final average salary.

21 f. A member contributing on the basis of this section at the time of
22 retirement, shall retire after the completion of twenty-five years or
23 thirty years of total creditable service. Application therefor may be
24 filed in a manner similar to that provided in section seventy of this

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

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1 article. Upon completion of twenty-five years or thirty years of such
2 service and upon retirement, each such member shall receive a pension
3 which, together with an annuity which shall be the actuarial equivalent
4 of [~~his~~] such member's accumulated contributions at the time of [~~his~~]
5 such member's retirement and an additional pension which is the actuari-
6 al equivalent of the reserve-for-increased-take-home-pay to which [~~he~~]
7 such member may then be entitled shall be sufficient to provide [~~him~~]
8 such member with a retirement allowance equal to one-half of [~~his~~] such
9 member's final average salary for a member retiring after the completion
10 of twenty-five years, or a retirement allowance equal to sixty percent
11 of such member's final average salary for a member retiring after the
12 completion of thirty years.

13 g. In computing the twenty-five years or thirty years of total service
14 of a member pursuant to this section full credit shall be given and full
15 allowance shall be made for service of such member in time of war after
16 World War I as defined in section two of this chapter, provided such
17 member at the time of [~~his~~] such member's entrance into the armed forces
18 was in the service of the county of Westchester.

19 § 2. Subdivision c of section 604 of the retirement and social securi-
20 ty law, as added by chapter 520 of the laws of 1988, is amended to read
21 as follows:

22 c. (1) The early service retirement benefit for a member who is a
23 correction officer of the Westchester county correction department as
24 defined in section eighty-nine-e of this chapter shall be a pension
25 equal to one-fiftieth of final average salary times years of credited
26 service at the completion of twenty-five years of service as such
27 correction officer, but not exceeding one-half of [~~his or her~~] such
28 member's final average salary.

29 (2) The early service retirement for a member who is employed in West-
30 chester county as a correction officer as defined in section eighty-
31 nine-e of this chapter shall be a pension equal to one-fiftieth of final
32 average salary times years of credited service at the completion of
33 thirty years of service as such correction officer, but not exceeding
34 sixty percent of such member's final average salary.

35 § 3. All past service costs associated with implementing the
36 provisions of this act shall be borne by the county of Westchester and
37 may be amortized over a period of ten years.

38 § 4. Notwithstanding any other provision of law to the contrary, none
39 of the provisions of this act shall be subject to the appropriation
40 requirement of section 25 of the retirement and social security law.

41 § 5. This act shall take effect immediately and shall apply to all
42 members that retire on or after such date.

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

This bill would modify the service retirement benefit for members of the New York State and Local Employees' Retirement System employed by Westchester County as correction officers. The modified service retirement benefit will be one-half of final average salary (FAS) upon completion of twenty-five years of creditable service and sixty percent of FAS upon completion of thirty years of creditable service. The current service retirement benefit is one-half of FAS upon completion of twenty-five years of creditable service.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately \$549,000 in the annual contributions of Westchester County for the fiscal year ending March 31, 2026. In future years this cost will vary but is expected to average 0.5% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$5.85 million which will be borne by Westchester County as a one-time payment. This estimate assumes that payment will be made on February 1, 2026. If Westchester County elects to amortize this cost over a 10-year period, the cost for each year including interest would be \$747,000.

These estimated costs are based on 824 affected members employed by Westchester County, with annual salary of approximately \$96.2 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 February 26, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-47. 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.