STATE OF NEW YORK

7403

2025-2026 Regular Sessions

IN ASSEMBLY

March 25, 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 providing for the transfer of service credit between certain retirement systems

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

Section 1. Subdivision c of section 446 of the retirement and social security law, as amended by chapter 426 of the laws of 1974 and as relettered by chapter 465 of the laws of 1980, is amended to read as follows:

c. Creditable service.

1. A member of a retirement system who is subject to the provisions of this article shall not be eligible to obtain retirement credit for service with a public employer other than the state of New York, a political subdivision thereof, a public benefit corporation, or a participating employer; provided, however, military service with the federal government may be credited pursuant to section two hundred forty-three of the military law up to a maximum of four years; and further provided that retirement credit may be granted for service with an agency located within the state of New York currently specified in the law as providing retirement credit for service.

2. (a) Notwithstanding any other provision of law to the contrary, a member of the New York city police pension fund subject to this article shall be eligible to obtain credit for any period of service rendered as an assistant district attorney of a county within the city of New York and/or as an examining attorney for the New York city commission to combat police corruption which precedes service in the uniformed force of the New York city police department, and such service shall be deemed to be in service of the uniformed force of the New York city police department for purposes of eligibility for benefits and to determine the

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

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amount of benefits under the New York city police pension fund, provided that such member pays or transfers into the New York city police pension fund all member contributions set forth in this article plus interest, at a rate of five percent per annum.

(b) For a member who transfers such contributions from the New York city employees' retirement system to the New York city police pension fund or for a member who withdraws such contributions from the New York city employees' retirement system, such member's membership in the New York city employees' retirement system shall cease upon such transfer or withdrawal and such member shall retain no credited service in such system.

§ 2. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would deem certain prior service rendered as an assistant district attorney or examining attorney for the NYC Commission to Combat Police Corruption as uniformed service for purposes of determining the eligibility and amount of POLICE retirement benefits for Tier 2 members.

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

Year	POLICE
2026	340,000
2027	315,000
2028	(52,000)
2029	(60,000)
2030	(67,000)
2031	(74,000)
2032	(80,000)
2033	(84,000)
2034	(89,000)
2035	(92,000)
2036	(71,000)
2037	(41,000)
2038	(32,000)
2039	(22,000)
2040	(11,000)
2041	0
2042	0
2043	0
2044	0
2045	0
2046	0
2047	0
2048	0
2049	0
2050	0

Employer contribution impact beyond Fiscal Year 2050 is not shown.

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

PRESENT VALUE OF BENEFITS: The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES
as of June 30, 2024 ($)

Present Value (PV)	POLICE
(1) PV of Employer Contributions:	132,000
(2) PV of Employee Contributions:	**(1,000)**
Total PV of Benefits (1) + (2):	131,000

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL were amortized over the expected remaining working lifetime of those impacted using level dollar payments.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	POLICE
Increase (Decrease) in UAL:	628,000
Number of Payments:	2
Amortization Payment:	359,000

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the impacted population is summarized below.

	POLICE
Active Members	
- Number Count:	1
- Average Age:	48.0
- Average Current Uniform Service:	10.0
- Average Eligible Attorney Service:	10.0
- Average Salary:	165,200

For purposes of this Fiscal Note and based on the limited set of historical data available, we have identified one Tier 2 POLICE member who would be impacted by the proposed legislation. To the extent that there are additional impacted members, the costs of this proposed legislation would be larger than those disclosed in this Fiscal Note.

IMPACT ON MEMBER BENEFITS: Currently, Tier 2 members of POLICE receive a benefit based on 75% of 1/60th times the member's average earnings over their last five years of service for each year of non-uniformed civilian service, such as prior attorney service.

Under the proposed legislation, periods of qualifying prior non-uniformed service rendered as either an assistant district attorney of a county within NYC or as an examining attorney for the NYC Commission to Combat Police Corruption, that are purchased or transferred into POLICE will be classified as Allowable Service in the police force. Such service would therefore be included in the minimum service required for eligibility and payment of an unreduced service retirement benefit for eligible Tier 2 members.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the 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 2025-21 dated February 27, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.