

# STATE OF NEW YORK

7861

2025-2026 Regular Sessions

## IN ASSEMBLY

April 11, 2025

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

AN ACT to amend the retirement and social security law, in relation to  
providing alternative retirement benefits for the police force at Erie  
County Medical Center

The People of the State of New York, represented in Senate and Assem-  
bly, 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. Alternative retirement benefits for the police force at Erie  
4 County Medical Center. a. For purposes of this section:

5 1. "Qualifying member" shall mean any member who is in service as a  
6 sworn member employed under the police department of the Erie County  
7 Medical Center.

8 2. "Qualifying creditable service" shall mean creditable service  
9 rendered while a member is a qualifying member.

10 b. 1. Any qualifying member, as defined in subdivision a of this  
11 section, shall be eligible to retire pursuant to the provisions of this  
12 section. Such eligibility shall be an alternative to the eligibility  
13 provisions available under any other plan of this article to which such  
14 member is subject. The comptroller may request certifications from agen-  
15 cy officials, as appropriate, to identify such eligible members.

16 2. Any such qualifying member shall be entitled to retire after the  
17 completion of twenty-five years of qualifying creditable service,  
18 including such service credits transferred from any other plan under  
19 this article, by filing an application therefor in a manner similar to  
20 that provided in section seventy of this article and immediately collect  
21 their full annuity without penalty; or members shall be eligible to  
22 retire and collect their full annuity without penalty upon completion of  
23 ten years of service as a sworn member employed under the police depart-  
24 ment of the Erie County Medical Center; provided, however, that no

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

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1 member shall be eligible to retire until such member has a minimum of  
2 ten years of qualifying creditable service.

3 c. A member retiring under the provisions of this section shall  
4 receive a retirement allowance consisting of a pension equal to one-fif-  
5 tieth of such member's final average salary for each year of qualifying  
6 creditable service. This retirement allowance shall not exceed seventy-  
7 five percent of such member's final average salary.

8 d. Nothing herein shall be construed to prevent a member, who does not  
9 retire pursuant to the provisions of this section, from utilizing  
10 service which is creditable service pursuant to the provisions of this  
11 section for the service credit pursuant to any other plan of this arti-  
12 cle to which such member is subject.

13 e. All members may elect to transfer their years of service credits  
14 from any other plan of this article to which such member is subject to  
15 the plan described in this section and be eligible to receive full  
16 service credit.

17 f. The increased costs of the benefits provided for in this section  
18 shall be paid from additional contributions made by the employer.

19 g. For all members appointed after the effective date of this section,  
20 mandatory retirement shall be enforced at age sixty-two with no penal-  
21 ties of any kind.

22 h. The provisions of this section shall be controlling notwithstanding  
23 any other provision in this article to the contrary.

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

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

1 seventy-eight of the laws of nineteen hundred ninety-eight, of this  
2 chapter, or employed in Nassau county as a peace officer, as defined in  
3 section eighty-nine-s, as added by chapter five hundred ninety-five of  
4 the laws of nineteen hundred ninety-seven, of this chapter, or employed  
5 in Albany county as a sheriff, undersheriff, deputy sheriff, correction  
6 officer or identification officer, as defined in section eighty-nine-h  
7 of this chapter or is employed in St. Lawrence county as a sheriff,  
8 undersheriff, deputy sheriff or correction officer, as defined in  
9 section eighty-nine-i of this chapter or is employed in Orleans county  
10 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
11 defined in section eighty-nine-l of this chapter or is employed in  
12 Jefferson county as a sheriff, undersheriff, deputy sheriff or  
13 correction officer, as defined in section eighty-nine-j of this chapter  
14 or is employed in Onondaga county as a deputy sheriff-jail division  
15 competitively appointed or as a correction officer, as defined in  
16 section eighty-nine-k of this chapter or is employed in a county which  
17 makes an election under subdivision j of section eighty-nine-p of this  
18 chapter as a sheriff, undersheriff, deputy sheriff or correction officer  
19 as defined in such section eighty-nine-p or is employed in Broome County  
20 as a sheriff, undersheriff, deputy sheriff or correction officer, as  
21 defined in section eighty-nine-m of this chapter or is a Monroe county  
22 deputy sheriff-court security, or deputy sheriff-jailor as defined in  
23 section eighty-nine-n, as added by chapter five hundred ninety-seven of  
24 the laws of nineteen hundred ninety-one, of this chapter or is employed  
25 in Greene county as a sheriff, undersheriff, deputy sheriff or  
26 correction officer, as defined in section eighty-nine-o of this chapter  
27 or is a traffic officer with the town of Elmira as defined in section  
28 eighty-nine-q of this chapter or is employed by Suffolk county as a park  
29 police officer, as defined in section eighty-nine-r of this chapter or  
30 is a peace officer employed by a county probation department as defined  
31 in section eighty-nine-t, as added by chapter six hundred three of the  
32 laws of nineteen hundred ninety-eight, of this chapter or is employed in  
33 Rockland county as a deputy sheriff-civil as defined in section eighty-  
34 nine-v of this chapter as added by chapter four hundred forty-one of the  
35 laws of two thousand one, or is employed in Rockland county as a superi-  
36 or correction officer as defined in section eighty-nine-v of this chap-  
37 ter as added by chapter five hundred fifty-six of the laws of two thou-  
38 sand one or is a paramedic employed by the police department in the town  
39 of Tonawanda and retires under the provisions of section eighty-nine-v  
40 of this chapter, as added by chapter four hundred seventy-two of the  
41 laws of two thousand one, or is a county fire marshal, supervising fire  
42 marshal, fire marshal, assistant fire marshal, assistant chief fire  
43 marshal, chief fire marshal, division supervising fire marshal or fire  
44 marshal trainee employed by the county of Nassau as defined in section  
45 eighty-nine-w of this chapter or is employed in Monroe county as a depu-  
46 ty sheriff-civil as defined in section eighty-nine-x of this chapter,  
47 employed as an emergency medical technician, critical care technician,  
48 advanced emergency medical technician, paramedic or supervisor of such  
49 titles in a participating Suffolk county fire district as defined in  
50 section eighty-nine-ss of this chapter, or is a qualifying member as  
51 defined in section eighty-nine-y of this chapter and is in a plan which  
52 permits immediate retirement upon completion of a specified period of  
53 service without regard to age. Except as provided in subdivision c of  
54 section four hundred forty-five-a of this article, subdivision c of  
55 section four hundred forty-five-b of this article, subdivision c of  
56 section four hundred forty-five-c of this article, subdivision c of

1 section four hundred forty-five-d of this article, subdivision c of  
2 section four hundred forty-five-e of this article, subdivision c of  
3 section four hundred forty-five-f of this article and subdivision c of  
4 section four hundred forty-five-h of this article, a member in such a  
5 plan and such an occupation, other than a police officer or investigator  
6 member of the New York city employees' retirement system or a firefight-  
7 er, shall not be permitted to retire prior to the completion of twenty-  
8 five years of credited service; provided, however, if such a member in  
9 such an occupation is in a plan which permits retirement upon completion  
10 of twenty years of service regardless of age, [~~he or she~~] such member  
11 may retire upon completion of twenty years of credited service and prior  
12 to the completion of twenty-five years of service, but in such event the  
13 benefit provided from funds other than those based on such a member's  
14 own contributions shall not exceed two per centum of final average sala-  
15 ry per each year of credited service.

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

18 w. The service retirement benefit specified in section six hundred  
19 four of this article shall be payable to members with twenty-five years  
20 of creditable service, without regard to age, who is a qualifying member  
21 as defined in section eighty-nine-y of this chapter if: (i) such members  
22 have met the minimum service requirements upon retirement; and (ii) in  
23 the case of a member subject to the provisions of article fourteen of  
24 this chapter, such member files an election therefor which provides that  
25 such member will be subject to the provisions of this article and to  
26 none of the provisions of such article fourteen. Such election, which  
27 shall be irrevocable, shall be in writing, duly executed and shall be  
28 filed with the comptroller within one year of the effective date of this  
29 subdivision or within one year after entering the employment with Erie  
30 County Medical Center upon which eligibility is based, whichever comes  
31 later. For the purposes of this subdivision, the term "creditable  
32 service" shall have the meaning as so defined in both sections eighty-  
33 nine-y and six hundred one of this chapter.

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

36 w. The early service retirement benefit for a qualifying member as  
37 defined in section eighty-nine-y of this chapter shall be a pension  
38 equal to one-fiftieth of final average salary times years of credited  
39 service at the completion of twenty-five years of service as such  
40 member, but not exceeding three-fourths of such member's final average  
41 salary.

42 § 5. All costs associated with implementing the provisions of this act  
43 shall be borne by Erie County Medical Center.

44 § 6. 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 under the police department of the Erie County Medical Center to retire upon completion of twenty-five years of creditable service with a benefit of one-half of final average salary (FAS) and an additional benefit of one-fiftieth of FAS for each year of creditable service in excess of twenty-five years, not to exceed seventy-five percent (75%) of FAS. Additionally, members covered under Article 14 would be permitted one year to make an irrevocable election to switch to the twenty-five-year plan benefit.

If this bill is enacted during the 2025 Legislative Session, we anticipate that there will be an increase of approximately \$250,000 in the

annual contributions of Erie County Medical Center for the fiscal year ending March 31, 2026. In future years this cost will vary as the billing rates and salary of the affected members change. In future years this cost will vary but is expected to average 6.0% of salary annually.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1.32 million which will be borne by Erie County Medical Center as a one-time payment. This estimate assumes that payment will be made on February 1, 2026.

These estimated costs are based on 42 affected members employed by Erie County Medical Center, with annual salary of approximately \$3.3 million as of March 31, 2024. The affected members were identified using job title codes provided by the office of Senator Sean Ryan.

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 March 7, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-33. 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.