STATE OF NEW YORK

8082

2025-2026 Regular Sessions

IN ASSEMBLY

April 24, 2025

Introduced by M. of A. EACHUS, DeSTEFANO, JACOBSON, KELLES, SAYEGH, SHIMSKY, BURDICK, CLARK, LEVENBERG, BUTTENSCHON, CONRAD, JONES, WOERNER, PHEFFER AMATO, McMAHON, STIRPE, LUNSFORD, GONZALEZ-ROJAS, STERN, CUNNINGHAM, SIMPSON, RA, SANTABARBARA, SEAWRIGHT, BLUMENCRANZ, BENEDETTO -- Multi-Sponsored by -- M. of A. ANGELINO, K. BROWN, GALLAHAN, GRAY, McDONOUGH, MIKULIN, MORINELLO, SIMON, SMITH -- 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 retirement service credit for volunteer fire or emergency service

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

Section 1. The retirement and social security law is amended by adding a new article 20-A to read as follows:

ARTICLE 20-A
CREDIT FOR NEW YORK STATE VOLUNTEER FIRE OR EMERGENCY SERVICE

Section 1050. New York state volunteer fire or emergency service credit.

§ 1050. New York state volunteer fire or emergency service credit. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Public retirement system of the state" shall have the same meaning as such term is defined pursuant to subdivision twenty-three of section five hundred one of this chapter.

(b) "Member" shall mean a member of a public retirement system of the state.

2. Notwithstanding any law to the contrary, a member shall be eligible for credit for volunteer fire or emergency service as provided pursuant to this section.

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

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3. A member, upon application to a public retirement system of the state, may obtain one year of service credit for every five years of volunteer fire or emergency service provided in the state. A member shall be limited under this section to obtain not more than three years of service credit for a total of fifteen years of volunteer fire or emergency service provided. Proof of volunteer fire or emergency service shall be certified by the volunteer agency for which such member volunteered time.

4. A member shall have at least five years of credited service, not including service granted hereunder, to be eligible to receive credit pursuant to this section.

5. To obtain credit pursuant to this section, a member shall pay the appropriate retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of volunteer fire or emergency service being credited and three percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that such member made application for credit pursuant to this section. If permitted by rule or regulation of the applicable retirement system, a member may pay such member costs by payroll deduction for a period which shall not exceed the time period of volunteer fire or emergency service to be credited pursuant to this section. In the event such member leaves the employer payroll prior to completion of payment, such member shall forward all remaining required payments to the appropriate retirement system prior to the effective date of retirement. If the full amount of such member costs is not paid to the appropriate retirement system prior to the member's retirement, the amount of service credited shall be proportional to the total amount of the payments made prior to retirement.

6. In no event shall the credit granted pursuant to this section, when added to credit granted for volunteer fire or emergency service with any retirement system of this state pursuant to any other provision of law, exceed a total of three years.

7. To be eligible to receive credit for volunteer fire or emergency service under this section, a member shall make application for such credit before the effective date of retirement.

8. All costs for service credited to a member pursuant to this section, other than the member costs set forth in subdivision five of this section, shall be paid by the state and all employers which participate in the retirement system in which such member is granted credit.

9. Notwithstanding any provision of law to the contrary, none of the provisions of this section shall be subject to the appropriation requirement of section twenty-five of this chapter.

10. Notwithstanding any other provision of law, in the event of death prior to retirement, amounts paid by a member for the purchase of volunteer fire or emergency service credit pursuant to this section shall be refunded, with interest, to the extent the volunteer fire or emergency service purchased with such amounts does not produce a greater death benefit than would have been payable had such member not purchased such credit.

11. Service credit granted pursuant to this section shall be creditable in any special twenty or twenty-five year retirement plan.

§ 2. This act shall take effect immediately.

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

This bill would allow members of any New York State public retirement system to purchase one year of service credit for every five years of volunteer fire or emergency service provided, not to exceed a total of

three years of total credit. Members would be required to make a payment of three percent of their most recent compensation per year of additional service credit granted. This bill is not consistent with the New York State and Local Retirement System's policy of granting service credit only when a salary has been paid.

Members must have at least five years of credited service (not including volunteer service) to be eligible. Members may not be credited more than one year for all service provided in a calendar year. Any service credit granted would be creditable only in twenty-year and twenty-five-year service-based retirement plans.

The provisions of Section 25 of the Retirement and Social Security Law shall not apply.

Insofar as this bill affects the New York State and Local Employees' Retirement System (NYSLERS), all costs would be shared by the State of New York and all local participating employers in the NYSLERS. If enacted during the 2025 Legislative Session, it is estimated that the past service cost would be 22 percent of an affected member's compensation for each year of service credit that is purchased.

Insofar as this bill affects the New York State and Local Police and Fire Retirement System (NYSLPFRS), all costs would be shared by the State of New York and all local participating employers in the NYSLPFRS. If enacted during the 2025 Legislative Session, it is estimated that the past service cost would be 22 percent of an affected member's compensation for each year of service credit that is purchased.

Further, we anticipate additional administrative costs to implement the provisions of this legislation.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

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 5, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-74. 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.