

# STATE OF NEW YORK

4436

2025-2026 Regular Sessions

## IN SENATE

February 5, 2025

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to providing equal retirement benefits for persons who have been appointed to the title of correction lieutenant, correction captain, deputy assistant superintendent or superintendent in the department of corrections and community supervision

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

1 Section 1. Clause (ii) of subparagraph (b) of paragraph 2 of subdivi-  
2 sion a of section 600 of the retirement and social security law, as  
3 amended by section 149 of subpart B of part C of chapter 62 of the laws  
4 of 2011, is amended and two new clauses (iii) and (iv) are added to read  
5 as follows:

6 (ii) a person who serves in the title of superintendent as of April  
7 first, two thousand six, who has had at least seven years of service  
8 credited toward the retirement plan established pursuant to this article  
9 while employed by the department of corrections and community super-  
10 vision and who elects the retirement plan established pursuant to this  
11 article on or before September thirtieth, two thousand six. Such  
12 election shall be in writing, shall be duly executed and filed with the  
13 comptroller and shall be irrevocable as long as such person is in the  
14 title of superintendent~~[-]~~; or

15 (iii) a person who is appointed to the title of correction lieutenant,  
16 correction captain, deputy assistant superintendent or superintendent in  
17 institutions under the jurisdiction of the department of corrections and  
18 community supervision and who elects the retirement plan established  
19 pursuant to this article within ninety days of appointment. Such  
20 election shall be in writing, shall be duly executed and filed with the  
21 comptroller and shall be irrevocable as long as such person is in the

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

LBD02513-02-5

1 title of correction lieutenant, correction captain, deputy assistant  
2 superintendent or superintendent; or  
3 (iv) a person who serves in the title of correction lieutenant,  
4 correction captain, deputy assistant superintendent or superintendent on  
5 the effective date of this clause and who elects the retirement plan  
6 established pursuant to this article within ninety days of the effective  
7 date of this clause. Such election shall be in writing, shall be duly  
8 executed and filed with the comptroller and shall be irrevocable as long  
9 as such person is in the title of correction lieutenant, correction  
10 captain, deputy assistant superintendent or superintendent.

11 § 2. This act shall take effect immediately.

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

This bill would allow certain Tier 3, 5 and 6 correction lieutenants, correction captains, deputy assistant superintendents, and superintendents under the jurisdiction of the department of corrections and community supervision of New York State to become eligible to receive benefits under the provisions of Article 15 of the Retirement and Social Security Law instead of the special plan giving 50% of final average salary at 25 years of service. Current law requires seven years of service in the superintendent title to elect coverage under Article 15.

Affected members would have 90 days from the later of the effective date of this bill or their date of being appointed to one of the titles to make an irrevocable election to switch to Article 15.

If this bill is enacted during the 2025 Legislative Session, there will be an immediate past service cost of approximately \$31.6 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.

This bill will not increase the future annual contributions of the State of New York.

These estimated costs are based on 547 affected members employed by the State of New York, with annual salary of approximately \$71 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 3, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-23. 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.