STATE OF NEW YORK

7958--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to granting retroactive tier IV membership in the New York city employees' retirement system to Ryan D. O'Connor

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

Section 1. Notwithstanding any other provision of law to the contrary, Ryan D. O'Connor, an employee of the metropolitan transportation authority metro-north railroad as of April 26, 2023 and a member of the metropolitan transportation authority defined benefit pension plan, who was employed with the New York city transit authority from January 19, 2012 through April 25, 2023 and who was a member of the New York city employees' retirement system through April 25, 2023, who for reasons not ascribable to his own negligence, failed to become a member of such retirement system during such employment with the New York city transit authority until September 10, 2012, shall be deemed to have joined the New York city employees' retirement system from January 19, 2012 and shall be granted Tier IV status in such retirement system, if, within one year of the effective date of this act, he shall file a written request with the New York city employees' retirement system.

§ 2. No contributions made to the New York city employees' retirement system by Ryan D. O'Connor shall be returned or refunded to him pursuant to this act.

§ 3. All past service costs of implementing the provisions of this act shall be borne by the city of New York.

§ 4. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would permit Ryan D. O'Connor, a vested Tier 6 member of the New York City Employees' Retirement System

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

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(NYCERS), to elect, by filing a written request with NYCERS within one year of the effective date, membership in the Tier 4 NYCERS 57/5 Plan.

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

Year	NYCERS
2026	0
2027	15,000
2028	0
2029	0
2030	0
2031	0
2032	0
2033	0
2034	0
2035	0
2036	0
2037	0
2038	0
2039	0
2040	0
2041	0
2042	0
2043	0
2044	0
2045	0
2046	0
2047	0
2048	0
2049	0
2050	0

While the past service costs for this member would normally be borne by the New York City Transit Authority, the proposed legislation assigns such costs to the City of New York.

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, 2025 ($)

Present Value (PV)	NYCERS
(1) PV of Employer Contributions:	13,500
(2) PV of Employee Contributions:	0
Total PV of Benefits (1) + (2):	13,500

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. For purposes of this Fiscal Note, UAL attributable to inactive members was recognized immediately.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS
Increase (Decrease) in UAL:	13,500
Number of Payments:	1
Amortization Payment:	15,000

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.

	NYCERS
Term. Vested Members	
- Number Count:	1
- Average Age:	38

BACKGROUND: Mr. O'Connor commenced employment with the New York City Transit Authority on January 19, 2012 and subsequently joined NYCERS in September 2012. In the nine-month period between the commencement of his employment and the date on which he joined NYCERS, Chapter 18 of the Laws of 2012, or Tier 6, was enacted. Therefore, Mr. O'Connor joined NYCERS as a Tier 6 member.

The proposed legislation would allow Mr. O'Connor to apply for a retroactive NYCERS membership date of January 19, 2012, which would entitle him to Tier 4 membership, without a refund of past Tier 6 contributions, in the NYCERS 57/5 Plan. A change from Tier 6 to Tier 4 would result in an earlier date of retirement eligibility, lower overall prospective employee contribution rates (should he return to active service), and a larger benefit.

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 2025-65 dated May 20, 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.