

STATE OF NEW YORK

5548--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. PHEFFER AMATO -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to service retirement benefits for uniformed correction members of the New York city employees' retirement system

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

1 Section 1. Section 505 of the retirement and social security law, as
2 amended by chapter 18 of the laws of 2012, subdivision d as added by
3 section 3 of part SS of chapter 55 of the laws of 2025, is amended to
4 read as follows:
5 § 505. Service retirement benefits; police/fire members, New York city
6 uniformed correction/sanitation revised plan members and investigator
7 revised plan members. a. The normal service retirement benefit for
8 police/fire members, New York city uniformed correction/sanitation
9 revised plan members and investigator revised plan members at normal
10 retirement age shall be a pension equal to fifty percent of final aver-
11 age salary, less fifty percent of the primary social security retirement
12 benefit commencing at age sixty-two, as provided in section five hundred
13 eleven of this article, except that for New York city uniformed
14 correction revised plan members of the New York city employees' retire-
15 ment system, the normal service retirement benefit shall not be reduced
16 by the primary social security retirement benefit commencing at age
17 sixty-two as provided in section five hundred eleven of this article.
18 b. The early service retirement benefit for police/fire members, New
19 York city uniformed correction/sanitation revised plan members and
20 investigator revised plan members shall be a pension equal to two and
21 one-tenths percent of final average salary times years of credited

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

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1 service at the completion of twenty years of service or upon attainment
2 of age sixty-two, increased by one-third of one percent of final average
3 salary for each month of service in excess of twenty years, but not in
4 excess of fifty percent of final average salary, less fifty percent of
5 the primary social security retirement benefit commencing at age sixty-
6 two as provided in section five hundred eleven of this article,
7 provided, however, that New York city police/fire revised plan members,
8 New York city uniformed correction/sanitation revised plan members and
9 investigator revised plan members shall not be eligible to retire for
10 service prior to the attainment of twenty years of credited service, and
11 provided further that for New York city uniformed correction revised
12 plan members of the New York city employees' retirement system, the
13 early service retirement benefit shall not be reduced by the primary
14 social security retirement benefit commencing at age sixty-two as
15 provided in section five hundred eleven of this article.

16 c. A police/fire member, a New York city uniformed
17 correction/sanitation revised plan member or an investigator revised
18 plan member who retires with twenty-two years of credited service or
19 less may become eligible for annual escalation of the service retirement
20 benefit if [~~he~~] such member elects to have the payment of [~~his~~] their
21 benefit commence on the date [~~he~~] such member would have completed twen-
22 ty-two years and one month or more of service. In such event, the
23 service retirement benefit shall equal two percent of final average
24 salary for each year of credited service, less fifty percent of the
25 primary social security retirement benefit commencing at age sixty-two
26 as provided in section five hundred eleven of this article, except that
27 for New York city uniformed correction revised plan members of the New
28 York city employees' retirement system, the service retirement benefit
29 shall not be reduced by the primary social security retirement benefit
30 commencing at age sixty-two as provided in section five hundred eleven
31 of this article.

32 d. Notwithstanding anything to the contrary in any other law,
33 police/fire members of the New York city police pension fund shall be
34 eligible for a normal service retirement benefit in lieu of an early
35 service retirement benefit upon completing twenty years of service
36 pursuant to subdivision d of section five hundred three of this article.

37 § 2. Section 511 of the retirement and social security law is amended
38 by adding a new subdivision h to read as follows:

39 h. This section shall not apply to New York city uniformed correction
40 revised plan members of the New York city employees' retirement system
41 who receive a service retirement benefit pursuant to section five
42 hundred five of this article or a deferred vested benefit pursuant to
43 section five hundred sixteen of this article.

44 § 3. Subdivision c of section 516 of the retirement and social securi-
45 ty law, as amended by chapter 18 of the laws of 2012, is amended to read
46 as follows:

47 c. The deferred vested benefit of police/fire members, New York city
48 police/fire revised plan members, New York city uniformed
49 correction/sanitation revised plan members or investigator revised plan
50 members shall be a pension commencing at early retirement age equal to
51 two and one-tenths percent of final average salary times years of cred-
52 ited service, less fifty percent of the primary social security retire-
53 ment benefit commencing at age sixty-two, as provided in section five
54 hundred eleven of this article, except that for New York city uniformed
55 correction revised plan members of the New York city employees' retire-
56 ment system, the deferred vested benefit shall not be reduced by the

1 primary social security retirement benefit commencing at age sixty-two
 2 as provided in section five hundred eleven of this article. A
 3 police/fire member, a New York city police/fire revised plan member, a
 4 New York city uniformed correction/sanitation revised plan member or
 5 investigator revised plan member may elect to receive [~~his~~] their vested
 6 benefit commencing at early retirement age or age fifty-five. If the
 7 vested benefit commences before early retirement age, the benefit shall
 8 be reduced by one-fifteenth for each year, if any, that the member's
 9 early retirement age is in excess of age sixty, and by one-thirtieth for
 10 each additional year by which the vested benefit commences prior to
 11 early retirement age. If such vested benefit is deferred until after
 12 such member's normal retirement age, the benefit shall be computed and
 13 subject to annual escalation in the same manner as provided for an early
 14 retirement benefit pursuant to subdivision c of section five hundred
 15 five of this article.

16 § 4. Notwithstanding any provision of law, rule or regulation to the
 17 contrary, any effect on a participating employer's contribution rate due
 18 to the provisions of this act shall not apply to the calculation of such
 19 participating employer's contribution rate for the purposes of subdivi-
 20 sion c of section 500 of the retirement and social security law.

21 § 5. This act shall take effect on the sixtieth day after it shall
 22 have become a law.

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

SUMMARY: This proposed legislation would eliminate the offset equal to 50% of the primary social security benefit in the service, early service, and vested retirement benefits for certain Tier 3 Correction members of NYCERS.

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

Year	NYCERS
2027	26.8
2028	18.3
2029	19.5
2030	20.8
2031	22.1
2032	23.1
2033	24.1
2034	25.2
2035	26.1
2036	26.8
2037	27.6
2038	28.3
2039	29.0
2040	20.6
2041	21.3
2042	22.0
2043	22.8
2044	23.6
2045	24.5
2046	25.3
2047	26.1
2048	27.0
2049	27.8
2050	28.7

2051 29.7

Projected contributions include future new hires that may be impacted. For Fiscal Year 2052 and beyond, the expected increase in normal cost as a level percent of pay for impacted new entrants is approximately 1.99%.

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, 2025 (\$ in Millions)

Present Value (PV)	NYCERS
(1) PV of Employer Contributions:	171.7
(2) PV of Employee Contributions:	<u>0.0</u>
Total PV of Benefits (1) + (2):	171.7

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

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS
Increase (Decrease) in UAL:	82.3 M
Number of Payments:	13
Amortization Payment:	9.1 M
Additional One-time Payment:	9.6 M

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2025. The census data for the impacted population is summarized below.

	NYCERS
Active Members	
- Number Count:	3,127
- Average Age:	40.7
- Average Service:	9.1
- Average Salary:	126,100
Term. Vested Members	
- Number Count:	705
- Average Age:	40.3

IMPACT ON MEMBER BENEFITS: Currently, Tier 3 normal service retirement, early service retirement, and vested retirement benefits for Corrections members in 22-Year Plans are subject to an offset equal to 50% of the primary social security benefit as defined in Retirement and Social Security Law (RSSL) Section 511 beginning at age 62.

Under the proposed legislation, the offset for such benefits would be eliminated resulting in an increase in benefits.

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

* New entrants were assumed to replace exiting members so that total payroll increases by 3% each year for impacted groups. New entrant demographics were developed based on data for recent new hires and actuarial judgement.

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.

This Fiscal Note does not include cost analyses relating to provisions contained in RSSL Section 500(c).

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 2026-33 dated March 9, 2026 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2026 Legislative Session.