STATE OF NEW YORK

4436--A

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 -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- 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 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:

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

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

(iii) a person who is appointed to the title of correction lieutenant, correction captain, deputy assistant superintendent or superintendent in institutions under the jurisdiction of the department of corrections and community supervision and who elects the retirement plan established

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

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pursuant to this article within ninety days of appointment. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of correction lieutenant, correction captain, deputy assistant superintendent or superintendent; or

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

§ 2. This act shall take effect immediately.

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

This bill would allow certain correction lieutenants, captains, and superintendents under the jurisdiction of the department of corrections and community supervision of New York state to elect to switch from a service-based 25-year retirement plan to an age-based retirement plan requiring 55-years of age. Currently, this election requires seven years of service credit as a superintendent.

There will be an immediate past service cost of $40.4 million borne by the state of New York as a one-time payment. This cost assumes that payment will be made on March 1, 2027.

This bill will not increase the state of New York's annual contributions.

These estimated costs are based on 489 affected members employed by the state of New York, with annual salary of approximately $88 million as of March 31, 2025.

Summary of relevant resources:

Membership data as of March 31, 2025 was used to measure the impact of the bill, the same data used in the Actuarial Valuations dated April 1, 2025. Distributions and other statistics can be found in the 2025 Report of the Actuary and the 2025 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2025 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control. The fair value of assets and GASB disclosures can be found in the 2025 Financial Statements and Supplementary Information.

Assumptions, demographics, and other considerations may have been modified to better reflect specific provisions of any proposed benefit change(s).

This fiscal note does not constitute a legal opinion on the viability of the bill, nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated February 4, 2026, and intended for use only during the 2026 Legislative Session, is Fiscal Note Number 2026-73. As Chief Actuary of the New York State and Local Retirement System (NYSLRS), 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. I am a member of NYSLRS but do not believe it impairs my objectivity.