STATE OF NEW YORK

8149--A

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. JACKSON -- 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 to amend the retirement and social security law, in relation to the final average salary calculation for Triborough bridge and tunnel members

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

Section 1. Section 608 of the retirement and social security law is amended by adding a new subdivision f to read as follows:

f. Notwithstanding the provisions of subdivisions a and b of this section, with respect to a Triborough bridge and tunnel member, as defined in subdivision a of section six hundred four-c of this article, as amended by chapter six hundred ninety-three of the laws of two thousand twenty-three, such member's final average salary computation that includes the period beginning with the second pay period in March two thousand twenty and ending with the second pay period in December two thousand twenty-one, shall include for such period the greater of the amount earned by such member during such period or computed using such member's wages for such period plus a projected amount of overtime equal to the number of hours included in such member's pay for the same pay period in two thousand twenty-two multiplied by such member's wages for the pay period for which the projection is being made. A member whose retirement benefit is based upon a final average salary that includes projected overtime, as computed pursuant to this subdivision, shall remit to the New York city retirement system all member contributions, basic member contributions, and additional member contributions that would have been due had such member rendered such overtime service, provided that such member shall not be required to remit such contributions for overtime service for which such member rendered served and

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

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previously paid such contributions, and provided further that no interest shall be due or owing on such contributions. A member may request a final average salary estimate and a contribution estimate from the New York city employees' retirement system. Such estimate shall be provided to the requesting member within sixty days of its request.

§ 2. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would potentially increase Final Average Salary for Tier 4 and Tier 6 NYCERS members in the Triborough Bridge and Tunnel Authority (TBTA) 20-Year Plans whose overtime during 2022 exceeded overtime during the period beginning in March 2020 and ending in December 2021.

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

Year	NYCERS
2026	382.4
2027	374.2
2028	369.2
2029	364.8
2030	361.4
2031	11.2
2032	9.1
2033	7.2
2034	5.5
2035	4.0
2036	2.9
2037	2.0
2038	1.3
2039	0.8
2040	0.5
2041	0.3
2042	0.2
2043	0.1
2044	0.0
2045	0.0
2046	0.0
2047	0.0
2048	0.0
2049	0.0
2050	0.0

Employer Contribution impact beyond Fiscal Year 2050 is not shown.

The entire increase in employer contributions will be allocated to the Triborough Bridge and Tunnel Authority.

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, 2024 ($ in Thousands)

Present Value (PV)	NYCERS

(1) PV of Employer Contributions:	1,445
(2) PV of Employee Contributions:	50
Total PV of Benefits (1) + (2):	1,495

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

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	NYCERS
Increase (Decrease) in UAL:	1,334 K
Number of Payments:	5
Amortization Payment:	348 K

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
Active Members	
- Number Count:	161
- Average Age:	48.8
- Average Service:	18.3
- Average Salary:	134,700

IMPACT ON MEMBER BENEFITS: Pension benefits for TBTA 20-Year Plan members may increase if the wages included in Final Average Salary (FAS) increase.

Under the proposed legislation, members may, for purposes of determining FAS, replace the actual overtime earnings during the period beginning with the second pay period in March 2020 and ending with the second pay period in December 2021 with projected overtime earnings calculated based on the rate of pay during such period multiplied by the overtime hours earned during 2022.

A member whose FAS includes projected overtime would be required to pay employee contributions (without interest) that would have been due had the member rendered such additional overtime service.

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 2025-64 dated May 16, 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.