§ 504-d. Twenty-year retirement program for New York city correction members. a. Definitions. The following words and phrases as used in this section shall have the following meanings unless a different meaning is plainly required by the context.

1. "New York city correction officer" shall mean a member of the uniformed force of the New York city department of correction who holds the rank of correction officer below the rank of captain; correction captain; assistant deputy warden, also known as warden correction level I; deputy warden or deputy warden-in-command, also known as warden correction level II; warden or deputy chief, also known as warden correction level III; or chief of department, also known as warden correction in the correction service of such city.

2. "New York city correction member" shall mean a general member (as defined in subdivision twelve of section five hundred one of this article) who is a New York city correction officer.

3. "Twenty-year retirement program" shall mean all the terms and conditions of this section.

4. "Starting date of the twenty-year retirement program" shall mean the effective date of this section, as such date is certified pursuant to section forty-one of the legislative law.

5. "Participant in the twenty-year retirement program" shall mean any New York city correction member who, under the applicable provisions of subdivision b of this section, is entitled to the rights, benefits and privileges and is subject to the obligations of the twenty-year retirement program, as applicable to him or her.

6. "Discontinued member" shall mean a participant in the twenty-year retirement program who, while he or she was a New York city correction officer, discontinued service in the uniformed force of the New York city department of correction and has a right to a deferred vested benefit under subdivision d of this section.

7. "Administrative code" shall mean the administrative code of the city of New York.

b. Participation in twenty-year retirement program. 1. Each person who becomes a New York city correction member on or after the starting date of the twenty-year retirement program, who first became or becomes a New York city correction member on or after such starting date and who, as such a correction member or otherwise, becomes subject to the provisions of this article on or after such starting date, shall become a participant in the twenty-year retirement program on the date he or she becomes a New York city correction member. Notwithstanding any other provision of law to the contrary, a participant in the twenty-year retirement program shall have the term "credited service" applied to him or her in the same manner as such term would be applied to a similarly situated correction officer who is governed by article eleven of this chapter, and who is a participant in either the twenty-year improved benefit retirement program for correction officers below the rank of captain established by section four hundred forty-five-a of such article eleven or the twenty-year improved benefit retirement program for captains and above established by section four hundred forty-five-c of such article eleven.

1-a. Notwithstanding any other provision of this subdivision or any other provision of law to the contrary, no member of the uniformed force of the New York city department of correction who is a New York city uniformed correction/sanitation revised plan member shall be a participant in the twenty-year retirement program.

2. Where any participant in the twenty-year retirement program shall cease to hold the position of New York city correction officer, he or she shall cease to be such a participant, and shall not be such a participant during any period in which he or she does not hold the position of New York city correction officer.

3. Where any participant in the twenty-year retirement program terminates service as a New York city correction officer and returns to such service as a New York city correction member at a later date, he or

she shall again become such a participant on that date.

c. Service retirement benefits. 1. A participant in the twenty-year retirement program:

(i) who has completed twenty or more years of credited service; and

(ii) who, subject to the provisions of paragraph six of subdivision e of this section, has paid, before the effective date of retirement, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iii) who files with the retirement system of which he or she is a member an application for service retirement setting forth at what time he or she desires to be retired; and

(iv) who shall be a participant in the twenty-year retirement program at the time so specified for his or her retirement;

shall be retired pursuant to the provisions of this section affording early service retirement.

2. (i) Notwithstanding any other provision of law to the contrary, and subject to the provisions of paragraph six of subdivision e of this section, the early service retirement benefit for participants in the twenty-year retirement program who retire pursuant to paragraph one of this subdivision shall be a pension consisting of:

(A) an amount, on account of twenty years of credited service, equal to one-half of his or her final average salary; plus

(B) an amount for each additional year of credited service, or fraction thereof, beyond such twenty years of credited service equal to one-sixtieth of the final average salary for such credited service during the period from the completion of twenty years of credited service to the date of retirement.

(ii) The maximum pension computed without optional modification payable pursuant to subparagraph (i) of this paragraph shall equal that payable upon completion of thirty years of service.

d. Vesting. 1. A participant in the twenty-year retirement program:

(i) who discontinues service in the uniformed force of the New York city department of correction while he or she is a New York city correction officer, other than by death or retirement; and

(ii) who, prior to such discontinuance, completed five but less than twenty years of credited service; and

(iii) who, subject to the provisions of paragraph seven of subdivision e of this section, has paid, prior to such discontinuance, all additional member contributions and interest (if any) required by subdivision e of this section; and

(iv) who does not withdraw in whole or in part his or her accumulated member contributions pursuant to section five hundred seventeen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section five hundred seventeen;

shall be entitled to receive a deferred vested benefit as provided in this subdivision.

2. (i) Upon such discontinuance under the conditions and in compliance with the provisions of paragraph one of this subdivision, such deferred vested benefit shall vest automatically.

(ii) Such vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred.

3. Subject to the provisions of paragraph seven of subdivision e of this section, such deferred vested benefit shall be a pension consisting of an amount equal to two and one-half percent of such discontinued member's final average salary, multiplied by the number of years of credited service on the date of such discontinuance.

e. Additional member contributions. 1. In addition to the member contributions required by section five hundred seventeen of this article, each participant in the twenty-year retirement program shall contribute to the retirement system of which he or she is a member (subject to the applicable provisions of section 13-125.1 of the administrative code) an additional four and sixty-one one-hundredths percent of his or her compensation earned from all service as a New York city correction member.

2. A participant in the twenty-year retirement program shall

contribute additional member contributions only until he or she has twenty years of credited service.

3. Commencing with the first full payroll period after each person becomes a participant in the twenty-year retirement program, additional member contributions at the rate specified in paragraph one of this subdivision shall be deducted (subject to the applicable provisions of section 13-125.1 of the administrative code) from the compensation of such participant on each and every payroll of such participant for each and every payroll period.

4. (i) Subject to the provisions of subparagraph (ii) of this paragraph, where any additional member contributions required by paragraph one of this subdivision are not paid by deductions from a participant's compensation pursuant to paragraph three of this subdivision:

(A) that participant shall be charged with a contribution deficiency consisting of such unpaid amounts, together with interest thereon at the rate of five percent per annum, compounded annually; and

(B) such interest on each amount of undeducted contributions shall accrue from the end of the payroll period for which such amount would have been deducted from compensation if he or she had been a participant at the beginning of that payroll period, until such amount is paid to the retirement system.

(ii) Except as provided in subparagraph (iii) of this paragraph, no interest shall be due on any such unpaid additional member contributions which are not attributable to the period prior to the first full payroll period referred to in paragraph three of this subdivision.

(iii) Should any person who, pursuant to paragraph nine of this subdivision, has withdrawn any additional member contributions (and any interest paid thereon) again become a participant in the twenty-year retirement program pursuant to paragraph three of subdivision b of this section, an appropriate amount shall be included in such participant's contribution deficiency (including interest thereon as calculated pursuant to subparagraph (i) of this paragraph) as if such additional contributions had never been made.

5. The head of a retirement system which includes participants in the twenty-year retirement program in its membership may, consistent with the provisions of this subdivision, promulgate regulations for the payment of such additional member contributions, and any interest thereon, by such participants (including the deduction of such contributions, and any interest thereon, from the participants' compensation).

6. Where a participant who is otherwise eligible for service retirement pursuant to subdivision c of this section did not, prior to the effective date of retirement, pay the entire amount of a contribution deficiency chargeable to him or her pursuant to paragraph four of this subdivision, that participant, nevertheless, shall be eligible to retire pursuant to subdivision c of this section provided, however, that the service retirement benefit calculated pursuant to paragraph two of such subdivision c shall be reduced by the actuarial equivalent of the amount of any contribution deficiency pursuant to such paragraph four which such participant did not pay prior to the effective date of his or her retirement.

7. Where a participant who is otherwise eligible for a vested right to a deferred benefit pursuant to subdivision d of this section did not, prior to the date of discontinuance of service, pay the entire amount of a contribution deficiency chargeable to him or her pursuant to paragraph four of this subdivision, that participant, nevertheless, shall be eligible for a vested right to a deferred benefit pursuant to subdivision d of this section provided, however, that the deferred vested benefit calculated pursuant to paragraph three of such subdivision d shall be reduced by the actuarial equivalent of the amount of any contribution deficiency pursuant to such paragraph four which such participant did not pay prior to his or her discontinuance of service.

8. Where a participant has not paid in full any contribution deficiency chargeable to him or her pursuant to paragraph four of this subdivision, and a benefit, other than a refund of member contributions pursuant to section five hundred seventeen of this article, or a refund

of additional member contributions pursuant to paragraph nine of this subdivision, or a benefit which has been reduced pursuant to paragraph six or seven of this subdivision becomes payable under this article to the participant or to his or her designated beneficiary or estate, the actuarial equivalent of any such unpaid amount shall be deducted from the benefit otherwise payable.

9. (i) All additional member contributions required by this subdivision (and any interest thereon) which are received by the retirement system of which the participant is a member shall be paid into its contingent reserve fund and shall not for any purpose be deemed to be member contributions or accumulated contributions of a member under section five hundred seventeen of this article or otherwise while he or she is a participant in the twenty-year retirement program or otherwise, except that, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

(ii)(A) Should a participant in the twenty-year retirement program who has rendered less than fifteen years of credited service cease to hold the position of New York city correction officer for any reason whatsoever, his or her accumulated additional member contributions made pursuant to this subdivision (together with any interest thereon paid to the retirement system) may be withdrawn by him or her pursuant to procedures promulgated in regulations of the head of the retirement system, together with interest thereon at the rate of five percent per annum, compounded annually.

(B) Upon the death of a participant in the twenty-year retirement program, there shall be paid to such person as he or she has nominated or shall nominate to receive his or her accumulated member contributions by written designation duly executed and filed with the retirement system during the lifetime of such participant, or, to his or her estate if no such person is nominated, his or her accumulated additional member contributions made pursuant to this subdivision (including any interest thereon paid to the retirement system), together with interest thereon at the rate of five percent per annum, compounded annually.

(iii) Except as otherwise provided in subparagraph (ii) of this

paragraph, no member while he or she is a participant in the twenty-year retirement program or otherwise shall have a right to withdraw such additional member contributions or any interest thereon from the retirement system.

10. Notwithstanding any other provision of law to the contrary, no member of the retirement system shall be permitted to borrow any portion of his or her additional member contributions (including any interest paid thereon) which are subject to this subdivision.

f. The escalation of benefits provisions of section five hundred ten of this article shall not apply to any benefits received pursuant to the provisions of this section.

g. Except as provided in clause (B) of subparagraph (i) of paragraph two of subdivision c of this section, the provisions of subdivision d of section five hundred of this article shall apply to participants under this section.

h. In the event that the provisions of this section should result in any increase in the contribution rate of the city of New York, that increase shall not apply to any calculation or certification for the purposes of subdivision c of section five hundred of this article.