

S. 6735

A. 9558

S E N A T E - A S S E M B L Y

March 15, 2012

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of
the Governor) -- read twice and ordered printed, and when printed to
be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of
the Governor) -- read once and referred to the Committee on Ways and
Means

AN ACT to amend the retirement and social security law, the
education law and the administrative code of the city of New York, in
relation to persons joining the New York state and local employees'
retirement system, the New York state and local police and fire
retirement system, the New York state teachers' retirement system, the New
York city employees' retirement system, the New York city teachers'
retire-ment system, the New York city board of education retirement
system,
the New York city police pension fund, or the New York city
fire pension fund on or after April 1, 2012; to amend the executive law,
in relation to action by the people for illegal receipt or disposition
of public funds or other property; and to amend the retirement and
social security law, in relation to benefit enhancements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEM-BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings and intent. The legislature finds
that
2 the state's current pension system is financially unsustainable
result-
3 ing in fiscal instability for the state, local governments and
school

4 districts. Most alarmingly, the dramatic growth in pension costs
has
5 resulted in a greater stress on the already overburdened taxpayer.
6 Moreover, there is a significant state interest to reform the city
of
7 New York's pension system. Rapid and unsustainable growth of the city
of
8 New York's pension costs has a deleterious effect on the city, but
as
9 importantly, on the financial security of the entire state. As
the
10 financial capital of the world, the entire state relies heavily on
the
11 fiscal stability and growth of the city of New York. The ever-
increasing
12 and dramatic increases in pension costs in the city of New York,
howev-
13 er, are destabilizing the fiscal and economic stability of the city
of
14 New York and therefore the state. Thus, rapidly growing New York
city

EXPLANATION--Matter in ITALICS (underscored) is new; matter in
brackets

[] is old law to be omitted.

LBD12119-

06-2

S. 6735

2

A.

9558

1 pension costs are of substantial state concern and must be
remedied
2 immediately.
3 It is incumbent on the state to implement common sense long-
term
4 structural reform of the current pension system for future
employees.
5 These reforms will not only protect the benefits of the public
employ-
6 ees, but will provide financial stability to the state government,
local
7 governments and school districts and taxpayers across this state.
8 S 1-a. Paragraph 1 of subdivision j of section 41 of the
retirement
9 and social security law, as amended by chapter 397 of the laws of
2009,
10 is amended to read as follows:
11 1. In addition to any other service credit to which he or she is
enti-
12 tled, a member who meets the requirements set forth in paragraphs
two
13 and three of this subdivision shall be granted one day of
additional
14 service credit for each day of accumulated unused sick leave which he
or
15 she has at time of retirement for service, but such credit shall not
(a)

16 exceed one hundred sixty-five days, (b) be considered in meeting
any
17 service or age requirements prescribed in this chapter, and (c)
be
18 considered in computing final average salary. However, for an
executive
19 branch member designated managerial or confidential pursuant to
article
20 fourteen of the civil service law or in the collective negotiating
units
21 established by article fourteen of the civil service law designated
the
22 professional, scientific and technical services unit, the rent
regu-
23 lation services negotiating unit, the security services
negotiating
24 unit, the security supervisors negotiating unit, the state
university
25 professional services negotiating unit, the administrative
services
26 negotiating unit, the institutional services negotiating unit, the
oper-
27 ational services negotiating unit and the division of military and
naval
28 affairs negotiating unit such service credit limitation provided
in
29 subparagraph (a) of this paragraph shall not exceed two hundred
days.
30 For a nonjudicial officer or employee of the unified court system not
in
31 a collective negotiating unit or in a collective negotiating unit
speci-
32 fied in section one of chapter two hundred three of the laws of
two
33 thousand four, for employees of the New York state dormitory
authority,
34 for employees of the New York state thruway authority, the New
York
35 state canal corporation and the state university construction fund
and
36 for employees of the New York liquidation bureau such service
credit
37 limitation provided in subparagraph (a) of this paragraph shall
not
38 exceed two hundred days. FOR MEMBERS WHO FIRST BECOME MEMBERS OF
A
39 PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO
THOU-
40 SAND TWELVE, SUCH CREDIT SHALL NOT EXCEED ONE HUNDRED DAYS.
41 S 2. Subdivisions a and b of section 376 of the retirement and
social
42 security law, subdivision a as amended by chapter 389 of the laws
of
43 1998 and subdivision b as amended by chapter 371 of the laws of
1969,
44 are amended to read as follows:

45 a. A member who discontinues service other than by death or
retire-
46 ment:
47 1. who has credit for at least five years of total service, or
48 2. who has credit for at least five years of total service,
including
49 a minimum of five years of member service during which the
member
50 contributed to the system and/or participated in an increased-take-
home-
51 pay or non-contributory plan, and who does not withdraw his or her
accu-
52 mulated contributions, shall be entitled to make application pursuant
to
53 section three hundred seventy of this article for a vested
retirement
54 allowance to be effective on or after the first day of the month
follow-
55 ing his or her attainment of sixty years of age, OR SIXTY-THREE YEARS
OF
56 AGE FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE
AND
S. 6735 3 A.
9558

1 LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL FIRST,
TWO
2 THOUSAND TWELVE. The retirement allowance provided by this
section
3 shall vest automatically upon such discontinuance of service by
such
4 member.
5 3. In the case of such a member who discontinues service other than
by
6 death or retirement after March thirty-first, nineteen hundred
sixty-
7 six, who had been contributing toward and/or participating in
an
8 increased-take-home-pay or non-contributory plan for retirement on
a
9 basis other than retirement at age sixty for five years preceding his
or
10 her discontinuance of service, he or she shall be entitled to
make
11 application for a vested retirement allowance to be effective on
or
12 after the first day of the month following his or her attainment
of
13 fifty-five years of age, OR SIXTY-THREE YEARS OF AGE FOR A MEMBER
WHO
14 FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND LOCAL POLICE AND
FIRE
15 RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.
16 b. The vested retirement allowance shall be computed and paid
in
17 accordance with the provisions of the plan of which the member had
been

18 a participant provided, however, that if the service fraction used
to
19 compute the retirement allowance or the pension provides a
benefit
20 greater than that which would have been provided had the service
frac-
21 tion one-sixtieth been used to compute the benefit, the service
fraction
22 one-sixtieth shall be used to compute the vested retirement
allowance
23 unless such plan shall specify another fraction to be used to
compute
24 the vested retirement allowance. The vested retirement allowance
shall
25 not be paid before the member attains age fifty-five, OR SIXTY-
THREE
26 YEARS OF AGE FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW
YORK
27 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER
APRIL
28 FIRST, TWO THOUSAND TWELVE.
29 S 3. Subdivision e of section 440 of the retirement and social
securi-
30 ty law, as added by chapter 285 of the laws of 1997, is amended to
read
31 as follows:
32 e. Notwithstanding any other provision of law to the contrary,
the
33 provisions and limitations of this article shall apply, as may be
appro-
34 priate, to all investigator members of the New York city
employees'
35 retirement system who last joined such retirement system on or
after
36 July first, nineteen hundred seventy-six, AND PRIOR TO THE
EFFECTIVE
37 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH
AMENDED
38 THIS SUBDIVISION.
39 S 4. Subdivisions 5, 7, 12, 17 and 24 of section 501 of the
retirement
40 and social security law, subdivisions 5, 12 and 17 as added by
chapter
41 890 of the laws of 1976, subdivision 7 as amended by chapter 408 of
the
42 laws of 2000 and subdivision 24 as amended by section 1 of part B
of
43 chapter 504 of the laws of 2009, are amended to read as follows:
44 5. "Early retirement age" shall mean age fifty-five, for
general
45 members, and the age on which a member completes or would have
completed
46 twenty years of service, for police/fire members, NEW YORK
CITY
47 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND
INVESTIGATOR
48 REVISED PLAN MEMBERS.

49 7. "Eligible beneficiary" for the purposes of section five
hundred
50 nine of this article shall mean the following persons or classes
of
51 persons in the order set forth: (a) a surviving spouse who has
not
52 renounced survivorship rights in a separation agreement, until
remar-
53 riage, (b) surviving children until age twenty-five, (c)
dependent
54 parents, determined under regulations promulgated by the
comptroller,
55 (d) any other person who qualified as a dependent on the final
federal
56 income tax return of the member or the return filed in the year
imme-
S. 6735 4 A.
9558

1 diately preceding the year of death, until such person reaches
twenty-
2 one years of age and (e) with respect to members of the New York
city
3 employees' retirement system (OTHER THAN A NEW YORK CITY
UNIFORMED
4 CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
REVISED
5 PLAN MEMBER) and the board of education retirement system of the city
of
6 New York, a person whom the member shall have nominated in the form of
a
7 written designation, duly acknowledged and filed with the head of
the
8 retirement system for the purpose of section five hundred eight of
this
9 article. In the event that a class of eligible beneficiaries consists
of
10 more than one person, benefits shall be divided equally among
the
11 persons in such class. For the purposes of section five hundred eight
OF
12 THIS ARTICLE the term "eligible beneficiary" shall mean such person
as
13 the member shall have nominated to receive the benefits provided in
this
14 article. To be effective, such a nomination must be in the form of
a
15 written designation, duly acknowledged and filed with the head of
the
16 retirement system for this specific purpose. In the event such
desig-
17 nated beneficiary does not survive him, or if he shall not have
so
18 designated a beneficiary, such benefits shall be payable to the
deceased
19 member's estate or as provided in section one thousand three hundred
ten

20 of the surrogate's court procedure act.

21 12. "General member" shall mean a member subject to the provisions
of
22 this article who is not a police/fire member, A NEW YORK CITY
UNIFORMED
23 CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
REVISED
24 PLAN MEMBER.

25 17. "Normal retirement age" shall be age sixty-two, for
general
26 members, and the age at which a member completes or would have
completed
27 twenty-two years of service, for police/fire members, NEW YORK
CITY
28 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND
INVESTIGATOR
29 REVISED PLAN MEMBERS.

30 24. "Wages" shall mean regular compensation earned by and paid to
a
31 member by a public employer, except that for members who first join
the
32 state and local employees' retirement system on or after January
first,
33 two thousand ten, overtime compensation paid in any year in excess
of
34 the overtime ceiling, as defined by this subdivision, shall not
be
35 included in the definition of wages. "Overtime compensation" shall
mean,
36 for purposes of this section, compensation paid under any law or
policy
37 under which employees are paid at a rate greater than their
standard
38 rate for additional hours worked beyond those required,
including
39 compensation paid under section one hundred thirty-four of the
civil
40 service law and section ninety of the general municipal law. The
"over-
41 time ceiling" shall mean fifteen thousand dollars per annum on
January
42 first, two thousand ten, and shall be increased by three percent
each
43 year thereafter, PROVIDED, HOWEVER, THAT FOR MEMBERS WHO FIRST
BECOME
44 MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM
ON
45 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, "OVERTIME CEILING" SHALL
MEAN
46 FIFTEEN THOUSAND DOLLARS PER ANNUM ON APRIL FIRST, TWO THOUSAND
TWELVE,
47 AND SHALL BE INCREASED EACH YEAR THEREAFTER BY A PERCENTAGE TO BE
DETER-
48 MINED ANNUALLY BY REFERENCE TO THE CONSUMER PRICE INDEX (ALL
URBAN
49 CONSUMERS, CPI-U, U.S. CITY AVERAGE, ALL ITEMS, 1982-84=100),
PUBLISHED

50 BY THE UNITED STATES BUREAU OF LABOR STATISTICS, FOR EACH
APPLICABLE
51 CALENDAR YEAR. SAID PERCENTAGE SHALL EQUAL THE ANNUAL INFLATION
AS
52 DETERMINED FROM THE INCREASE IN THE CONSUMER PRICE INDEX IN THE ONE
YEAR
53 PERIOD ENDING ON THE DECEMBER THIRTY-FIRST PRIOR TO THE COST-OF-
LIVING
54 ADJUSTMENT EFFECTIVE ON THE ENSUING APRIL FIRST. For the purpose
of
55 calculation a member's primary federal social security retirement
or
56 disability benefit, wages shall, in any calendar year, be limited to
the
S. 6735 5 A.
9558

1 portion of the member's wages which would be subject to tax
under
2 section three thousand one hundred twenty-one of the internal
revenue
3 code of nineteen hundred fifty-four, or any predecessor or
successor
4 provision relating thereto, if such member was employed by a
private
5 employer. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK
STATE
6 AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER THE EFFECTIVE DATE
OF
7 THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE WHICH AMENDED THIS
SUBDI-
8 VISION, THE FOLLOWING ITEMS SHALL NOT BE INCLUDED IN THE DEFINITION
OF
9 WAGES: (A) WAGES IN EXCESS OF THE ANNUAL SALARY PAID TO THE
GOVERNOR
10 PURSUANT TO SECTION THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION,
(B)
11 LUMP SUM PAYMENTS FOR DEFERRED COMPENSATION, SICK LEAVE,
ACCUMULATED
12 VACATION OR OTHER CREDITS FOR TIME NOT WORKED, (C) ANY FORM OF
TERMI-
13 NATION PAY, (D) ANY ADDITIONAL COMPENSATION PAID IN ANTICIPATION
OF
14 RETIREMENT, AND (E) IN THE CASE OF EMPLOYEES WHO RECEIVE WAGES
FROM
15 THREE OR MORE EMPLOYERS IN A TWELVE MONTH PERIOD, THE WAGES PAID BY
THE
16 THIRD AND EACH SUCCESSIVE EMPLOYER.

17 S 5. Section 501 of the retirement and social security law is
amended
18 by adding three new subdivisions 25, 26 and 27 to read as follows:
19 25. "NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED
PLAN
20 MEMBER" SHALL MEAN A MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS
OF
21 THIS ARTICLE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, AND WHO IS
A

22 MEMBER OF EITHER THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT
OF
23 CORRECTION OR THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT
OF
24 SANITATION.
25 26. "NEW YORK CITY POLICE/FIRE REVISED PLAN MEMBER" SHALL MEAN
A
26 POLICE/FIRE MEMBER WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS
ARTICLE
27 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, AND WHO IS A MEMBER
OF
28 EITHER THE NEW YORK CITY POLICE PENSION FUND OR THE NEW YORK CITY
FIRE
29 DEPARTMENT PENSION FUND.
30 27. "INVESTIGATOR REVISED PLAN MEMBER" SHALL MEAN AN
INVESTIGATOR
31 MEMBER OF THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS A
POLICE
32 OFFICER AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION THIRTY-FOUR
OF
33 SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, AND WHO BECOMES SUBJECT
TO
34 THE PROVISIONS OF THIS ARTICLE ON OR AFTER APRIL FIRST, TWO
THOUSAND
35 TWELVE.
36 S 6. Intentionally omitted.
37 S 7. Subdivisions a, c and d of section 503 of the retirement
and
38 social security law, subdivision a as amended by chapter 662 of the
laws
39 of 1988, subdivision c as amended by section 143 of subpart B of part
C
40 of chapter 62 of the laws of 2011 and subdivision d as added by
chapter
41 890 of the laws of 1976, are amended to read as follows:
42 a. The normal service retirement benefit specified in section
five
43 hundred four OF THIS ARTICLE shall be payable to general members,
other
44 than elective members, who have met the minimum service
requirements
45 upon retirement and attainment of age sixty-two, provided, however,
a
46 general member who is a peace officer employed by the unified
court
47 system or a member of a teachers' retirement system may retire
without
48 reduction of his or her retirement benefit upon attainment of at
least
49 fifty-five years of age and completion of thirty or more years
of
50 service. FOR MEMBERS WHO BECOME MEMBERS OF THE NEW YORK STATE AND
LOCAL
51 EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
THOUSAND
52 TWELVE, THE NORMAL SERVICE RETIREMENT BENEFITS SPECIFIED IN SECTION
FIVE

53 HUNDRED FOUR OF THIS ARTICLE SHALL BE PAYABLE TO GENERAL MEMBERS,
OTHER
54 THAN ELECTIVE MEMBERS, WHO HAVE MET THE MINIMUM SERVICE
REQUIREMENTS

55 UPON RETIREMENT AND ATTAINMENT OF AGE SIXTY-THREE.

S. 6735

6

A.

9558

1 c. A general member shall be eligible for early service retirement
at
2 age fifty-five with five years of credited service. A general member
in
3 the uniformed correction force of the New York city department
of
4 correction, who is not eligible for early service retirement pursuant
to
5 subdivision c of section five hundred four-a of this article or
subdivi-
6 sion c of section five hundred four-b of this article or subdivision
c
7 of section five hundred four-d of this article, or a general member
in
8 the uniformed personnel in institutions under the jurisdiction of
the
9 department of corrections and community supervision, as defined
in
10 subdivision i of section eighty-nine of this chapter or serving
in
11 institutions who is also in a title defined in such subdivision and
who
12 has made an election pursuant to the provisions of article seventeen
of
13 this chapter, shall also be eligible for early service retirement
after
14 twenty-five years of credited service, PROVIDED, HOWEVER, THAT
THE
15 PROVISIONS OF THIS SUBDIVISION AND SUBDIVISION A OF THIS SECTION
SHALL
16 NOT APPLY TO A NEW YORK CITY UNIFORMED CORRECTION/SANITATION
REVISED
17 PLAN MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER.

18 d. The normal service retirement benefit specified in section
five
19 hundred five OF THIS ARTICLE shall be paid to police/fire members,
NEW
20 YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS
AND
21 INVESTIGATOR REVISED PLAN MEMBERS without regard to age upon
retirement
22 after twenty-two years of service. Early service retirement shall
be
23 permitted upon retirement after twenty years of credited service
or
24 attainment of age sixty-two, PROVIDED, HOWEVER, THAT NEW YORK
CITY
25 POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY
UNIFORMED

26 CORRECTION/SANITATION REVISED PLAN MEMBERS AND INVESTIGATOR REVISED
PLAN

27 MEMBERS SHALL NOT BE ELIGIBLE TO RETIRE FOR SERVICE PRIOR TO THE
ATTAIN-

28 MENT OF TWENTY YEARS OF CREDITED SERVICE.

29 S 8. Subdivisions a, c and d of section 504 of the retirement
and

30 social security law, subdivision a as added by chapter 890 of the
laws

31 of 1976, subdivision c as amended by section 3 of part B of chapter
504

32 of the laws of 2009 and subdivision d as amended by section 144
of

33 subpart B of part C of chapter 62 of the laws of 2011, are amended
to

34 read as follows:

35 a. The service retirement benefit for general members at
normal

36 retirement age with twenty or more years of credited service shall be
a

37 pension equal to one-fiftieth of final average salary times years
of

38 credited service, not in excess of thirty years, less fifty percent
of

39 the primary social security retirement benefit as provided in
section

40 five hundred eleven OF THIS ARTICLE. THE SERVICE RETIREMENT BENEFIT
FOR

41 GENERAL MEMBERS AT NORMAL RETIREMENT AGE WITH TWENTY OR MORE YEARS
OF

42 SERVICE WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL
EMPLOY-

43 EES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE
AT

44 NORMAL RETIREMENT AGE SHALL BE A PENSION EQUAL TO THE SUM OF THIRTY-
FIVE

45 PER CENTUM AND ONE-FIFTIETH OF FINAL AVERAGE SALARY FOR EACH YEAR
OF

46 SERVICE IN EXCESS OF TWENTY, BUT NOT IN EXCESS OF THIRTY, TIMES
FINAL

47 AVERAGE SALARY TIMES YEARS OF CREDITED SERVICE.

48 c. The early service retirement benefit for general members,
except

49 for general members whose early retirement benefit is specified
in

50 subdivision d of this section, shall be the service retirement
benefit

51 specified in subdivision a or b of this section, as the case may
be,

52 without social security offset, reduced by one-fifteenth for each of
the

53 first two years by which early retirement precedes age sixty-two, plus
a

54 further reduction of: (1) one-thirtieth; or (2) one-twentieth
for

55 members who first join the New York state and local employees'
retire-

56 ment system on or after January first, two thousand ten, for each
year
S. 6735 7 A.
9558

1 by which early retirement precedes age sixty, PROVIDED HOWEVER, THAT
FOR
2 MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL
EMPLOY-
3 EES' RETIREMENT SYSTEM ON OR AFTER THE EFFECTIVE DATE OF THE CHAPTER
OF
4 THE LAWS OF TWO THOUSAND TWELVE WHICH AMENDED THIS SUBDIVISION,
THE
5 EARLY SERVICE RETIREMENT BENEFIT FOR GENERAL MEMBERS, EXCEPT FOR
GENERAL
6 MEMBERS WHOSE EARLY RETIREMENT BENEFIT IS SPECIFIED IN SUBDIVISION D
OF
7 THIS SECTION, SHALL BE THE SERVICE RETIREMENT BENEFIT SPECIFIED
IN
8 SUBDIVISION A OR B OF THIS SECTION, AS THE CASE MAY BE, WITHOUT
SOCIAL
9 SECURITY OFFSET, REDUCED BY SIX AND ONE-HALF PER CENTUM FOR EACH YEAR
BY
10 WHICH EARLY RETIREMENT PRECEDES AGE SIXTY-THREE. At age sixty-two,
the
11 benefit shall be reduced by fifty percent of the primary social
security
12 retirement benefit, as provided in section five hundred eleven of
this
13 article.
14 d. The early service retirement benefit for general members in
the
15 uniformed correction force of the New York city department
of
16 correction, who are not entitled to an early service retirement
benefit
17 pursuant to subdivision c of section five hundred four-a of this
article
18 or subdivision c of section five hundred four-b of this article
or
19 subdivision c of section five hundred four-d of this article, or
for
20 general members in the uniformed personnel in institutions under
the
21 jurisdiction of the department of corrections and community
supervision,
22 as defined in subdivision i of section eighty-nine of this
chapter,
23 shall be a pension equal to one-fiftieth of final average salary
times
24 years of credited service at the completion of twenty-five years
of
25 service, but not in excess of fifty percent of final average
salary,
26 PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL NOT
APPLY

27 TO A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN
MEMBER.
28 S 9. Subdivision b of section 504-a of the retirement and social
secu-
29 rity law is amended by adding a new paragraph 4-a to read as follows:
30 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR
ANY
31 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED
FORCE
32 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK
CITY
33 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A
PARTIC-
34 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.
35 S 10. Subdivision b of section 504-b of the retirement and
social
36 security law is amended by adding a new paragraph 4-a to read
as
37 follows:
38 4-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR
ANY
39 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED
FORCE
40 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK
CITY
41 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A
PARTIC-
42 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM FOR CAPTAINS AND ABOVE.
43 S 11. Subdivision b of section 504-d of the retirement and
social
44 security law is amended by adding a new paragraph 1-a to read
as
45 follows:
46 1-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR
ANY
47 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER OF THE UNIFORMED
FORCE
48 OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK
CITY
49 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER SHALL BE A
PARTIC-
50 IPANT IN THE TWENTY-YEAR RETIREMENT PROGRAM.
51 S 12. Section 505 of the retirement and social security law, as
added
52 by chapter 890 of the laws of 1976, is amended to read as follows:
53 S 505. Service retirement benefits; police/fire members, NEW YORK
CITY
54 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS AND
INVESTIGATOR
55 REVISED PLAN MEMBERS. a. The normal service retirement benefit
for
56 police/fire members, NEW YORK CITY UNIFORMED
CORRECTION/SANITATION

1 REVISED PLAN MEMBERS AND INVESTIGATOR REVISED PLAN MEMBERS at
normal
2 retirement age shall be a pension equal to fifty percent of final
aver-
3 age salary, less fifty percent of the primary social security
retirement
4 benefit commencing at age sixty-two, as provided in section five
hundred
5 eleven OF THIS ARTICLE.
6 b. The early service retirement benefit for police/fire members,
NEW
7 YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS
AND
8 INVESTIGATOR REVISED PLAN MEMBERS shall be a pension equal to two
and
9 one-tenths percent of final average salary times years of
credited
10 service at the completion of twenty years of service or upon
attainment
11 of age sixty-two, increased by one-third of one percent of final
average
12 salary for each month of service in excess of twenty years, but not
in
13 excess of fifty percent of final average salary, less fifty percent
of
14 the primary social security retirement benefit commencing at age
sixty-
15 two as provided in section five hundred eleven OF THIS
ARTICLE,
16 PROVIDED, HOWEVER, THAT NEW YORK CITY POLICE/FIRE REVISED PLAN
MEMBERS,
17 NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBERS
AND
18 INVESTIGATOR REVISED PLAN MEMBERS SHALL NOT BE ELIGIBLE TO RETIRE
FOR
19 SERVICE PRIOR TO THE ATTAINMENT OF TWENTY YEARS OF CREDITED SERVICE.
20 c. A police/fire member, A NEW YORK CITY
UNIFORMED
21 CORRECTION/SANITATION REVISED PLAN MEMBER OR AN INVESTIGATOR
REVISED
22 PLAN MEMBER who retires with twenty-two years of credited service
or
23 less may become eligible for annual escalation of the service
retirement
24 benefit if he elects to have the payment of his benefit commence on
the
25 date he would have completed twenty-two years and one month or more
of
26 service. In such event, the service retirement benefit shall equal
two
27 percent of final average salary for each year of credited service,
less
28 fifty percent of the primary social security retirement benefit
commenc-
29 ing at age sixty-two as provided in section five hundred eleven OF
THIS
30 ARTICLE.

31 S 13. Subdivisions b and c of section 507 of the retirement and
social
32 security law, subdivision b as amended by chapter 489 of the laws
of
33 2008 and subdivision c as amended by chapter 513 of the laws of
2010,
34 are amended to read as follows:

35 b. A police/fire member in active service, A NEW YORK CITY
UNIFORMED
36 CORRECTION/SANITATION REVISED PLAN MEMBER IN ACTIVE SERVICE OR AN
INVESTIGATOR REVISED PLAN MEMBER IN ACTIVE SERVICE, or a vested member
37 incapacitated as the result of a qualifying World Trade Center condition
38 as
39 defined in section two of this chapter, who is not eligible for a
normal
40 service retirement benefit shall be eligible for the accidental
disability
41 benefit either as provided in subdivision a OF THIS SECTION or
if
42 such member is physically or mentally incapacitated for performance
of
43 duty as the natural and proximate result of an accident sustained
in
44 such active service and not caused by such member's own willful
negligence.
45

46 c. In the case of a member of a retirement system other than the
New
47 York state and local employees' retirement system, the New York
state
48 teachers' retirement system, the New York city employees'
retirement
49 system, the New York city board of education retirement system or
the
50 New York city teachers' retirement system, OR IN THE CASE OF A MEMBER
OF

51 THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM WHO IS A NEW YORK
CITY
52 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN
INVESTIGATOR
53 REVISED PLAN MEMBER, the accidental disability benefit hereunder
shall
54 be a pension equal to two percent of final average salary times years
of
55 credited service which such member would have attained if employment
had
56 continued until such member's full escalation date, not in excess of
the

S. 6735 9 A.
9558

1 maximum years of service creditable for the normal service
retirement

2 benefit, less (i) fifty percent of the primary social security
disability-

3 ty benefit, if any, as provided in section five hundred eleven of
this
4 article, and (ii) one hundred percent of any workers' compensation
bene-
5 fits payable.
6 In the case of a member of the New York state and local
employees'
7 retirement system, the New York state teachers' retirement system,
the
8 New York city employees' retirement system (OTHER THAN A NEW YORK
CITY
9 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN
INVESTIGATOR
10 REVISED PLAN MEMBER), the New York city board of education
retirement
11 system or the New York city teachers' retirement system, the
accidental
12 disability benefit hereunder shall be a pension equal to sixty
percent
13 of final average salary, less (i) fifty percent of the primary
social
14 security disability benefit, if any, as provided in section five
hundred
15 eleven of this article, and (ii) one hundred percent of any
workers'
16 compensation benefits payable. In the event a disability retiree
from
17 any retirement system is not eligible for the primary social
security
18 disability benefit and continues to be eligible for disability
benefits
19 hereunder, such disability benefit shall be reduced by one-half of
such
20 retiree's primary social security retirement benefit, commencing at
age
21 sixty-two, in the same manner as provided for service retirement
bene-
22 fits under section five hundred eleven of this article.
23 S 14. The opening paragraph of subdivision a of section 507-a of
the
24 retirement and social security law, as amended by section 145 of
subpart
25 B of part C of chapter 62 of the laws of 2011, is amended to read
as
26 follows:
27 [Application] SUBJECT TO THE PROVISIONS OF SUBDIVISION E OF
THIS
28 SECTION, APPLICATION for a disability retirement allowance for a
member
29 in the uniformed personnel in institutions under the jurisdiction of
the
30 department of corrections and community supervision of New York state
as
31 defined in subdivision i of section eighty-nine of this chapter or for
a
32 member serving in institutions who is also in a title defined in
such

33 subdivision and who has made an election pursuant to the provisions
of
34 article seventeen of this chapter or the New York city department
of
35 correction may be made by:

36 S 15. Section 507-a of the retirement and social security law
is
37 amended by adding a new subdivision e to read as follows:

38 E. NOTWITHSTANDING THE PRECEDING SUBDIVISIONS OF THIS SECTION TO
THE
39 CONTRARY, THIS SECTION SHALL NOT APPLY TO A MEMBER OF THE
UNIFORMED

40 FORCE OF THE NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW
YORK
41 CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER.

42 S 16. Subdivision a of section 507-c of the retirement and
social
43 security law, as added by chapter 622 of the laws of 1997, is amended
to
44 read as follows:

45 a. Any member in the uniformed personnel in institutions under
the

46 jurisdiction of the New York city department of correction, who
becomes

47 physically or mentally incapacitated for the performance of duties
as

48 the natural and proximate result of an injury, sustained in the
perform-

49 ance or discharge of his or her duties by, or as a natural and
proximate

50 result of, an act of any inmate or any person confined in an
institution

51 under the jurisdiction of the department of correction or the
department

52 of health, or by any person who has been committed to such
institution

53 by any court shall be paid a performance of duty disability
retirement

54 allowance equal to three-quarters of final average salary, subject
to

55 the provisions of section 13-176 of the administrative code of the
city

56 of New York, PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS
SECTION

S. 6735 10 A.
9558

1 SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED FORCE OF THE NEW YORK
CITY

2 DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY
UNIFORMED

3 CORRECTION/SANITATION REVISED PLAN MEMBER.

4 S 17. Subdivision b of section 508 of the retirement and social
secu-

5 rity law, as amended by chapter 601 of the laws of 1997, is amended
to

6 read as follows:

7 b. A member of a retirement system subject to the provisions of
this
8 article who is a policeman, fireman, correction officer,
INVESTIGATOR
9 REVISED PLAN MEMBER or sanitation man and is in a plan which
permits
10 immediate retirement upon completion of a specified period of
service
11 without regard to age or who is subject to the provisions of
section
12 five hundred four or five hundred five of this article, shall
upon
13 completion of ninety days of service be covered for financial
protection
14 in the event of death in service pursuant to this subdivision.
Such
15 death benefit shall be equal to three times the member's salary
raised
16 to the next highest multiple of one thousand dollars, but in no
event
17 shall it exceed three times the maximum salary specified in section
one
18 hundred thirty of the civil service law or, in the case of a member of
a
19 retirement system other than the New York city employees'
retirement
20 system, OR IN THE CASE OF A MEMBER OF THE NEW YORK CITY
EMPLOYEES'
21 RETIREMENT SYSTEM WHO IS A NEW YORK CITY UNIFORMED
CORRECTION/SANITATION
22 REVISED PLAN MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER, the
specific
23 limitations specified for age of entrance into service contained
in
24 subparagraphs (b), (c), (d), (e) and (f) of paragraph two of
subdivision
25 a of this section.
26 S 18. Paragraph 2 of subdivision b of section 510 of the
retirement
27 and social security law, as added by chapter 890 of the laws of 1976,
is
28 amended to read as follows:
29 2. The first day of the month following the date on which a
member
30 completes or would have completed twenty-five years of credited
service,
31 with respect to service retirement benefits for police/fire members
and
32 their beneficiaries, NEW YORK CITY UNIFORMED
CORRECTION/SANITATION
33 REVISED PLAN MEMBERS AND THEIR BENEFICIARIES OR INVESTIGATOR
REVISED
34 PLAN MEMBERS AND THEIR BENEFICIARIES.
35 S 19. Subdivision f of section 511 of the retirement and social
secu-
36 rity law, as amended by section 147 of subpart B of part C of chapter
62

37 of the laws of 2011, is amended to read as follows:
38 f. This section shall not apply to general members in the
uniformed
39 correction force of the New York city department of correction or
to
40 uniformed personnel in institutions under the jurisdiction of
the
41 department of corrections and community supervision and security
hospi-
42 tal treatment assistants, as those terms are defined in subdivision i
of
43 section eighty-nine of this chapter, PROVIDED, HOWEVER, THAT
THE
44 PROVISIONS OF THIS SECTION SHALL APPLY TO A NEW YORK CITY
UNIFORMED
45 CORRECTION/SANITATION REVISED PLAN MEMBER.
46 S 20. Section 512 of the retirement and social security law,
as
47 amended by chapter 379 of the laws of 1986, subdivisions b and c
as
48 amended by chapter 286 of the laws of 2010 and subdivision d as added
by
49 chapter 749 of the laws of 1992, is amended to read as follows:
50 S 512. Final average salary. a. A member's final average salary
shall
51 be the average wages earned by such a member during any three
consec-
52 utive years which provide the highest average wage; provided,
however,
53 if the wages earned during any year included in the period used
to
54 determine final average salary exceeds that of the average of the
previ-
55 ous two years by more than ten percent, the amount in excess of
ten
56 percent shall be excluded from the computation of final average
salary.
S. 6735 11 A.
9558

1 [Where] NOTWITHSTANDING THE PRECEDING PROVISIONS OF THIS SUBDIVISION
TO
2 THE CONTRARY, FOR A MEMBER WHO FIRST BECOMES A MEMBER OF THE NEW
YORK
3 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL
FIRST,
4 TWO THOUSAND TWELVE, OR FOR A NEW YORK CITY POLICE/FIRE REVISED
PLAN
5 MEMBER, A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED
PLAN
6 MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER, A MEMBER'S FINAL
AVERAGE
7 SALARY SHALL BE THE AVERAGE WAGES EARNED BY SUCH A MEMBER DURING
ANY
8 FIVE CONSECUTIVE YEARS WHICH PROVIDE THE HIGHEST AVERAGE WAGE;
PROVIDED,

9 HOWEVER, IF THE WAGES EARNED DURING ANY YEAR INCLUDED IN THE PERIOD
USED
10 TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THAT OF THE AVERAGE OF
THE
11 PREVIOUS FOUR YEARS BY MORE THAN TEN PERCENT, THE AMOUNT IN EXCESS
OF
12 TEN PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL
AVERAGE
13 SALARY. IN DETERMINING FINAL AVERAGE SALARY PURSUANT TO ANY PROVISION
OF
14 THIS SUBDIVISION, WHERE THE PERIOD USED TO DETERMINE FINAL AVERAGE
SALA-
15 RY IS THE PERIOD WHICH IMMEDIATELY PRECEDES THE DATE OF RETIREMENT,
ANY
16 MONTH OR MONTHS (NOT IN EXCESS OF TWELVE) WHICH WOULD OTHERWISE
BE
17 INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH THE
MEMBER
18 WAS ON AUTHORIZED LEAVE OF ABSENCE AT PARTIAL PAY OR WITHOUT PAY
SHALL
19 BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE
MONTH
20 OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL
BE

21 SUBSTITUTED IN LIEU THEREOF.

22 b. Notwithstanding the provisions of subdivision a of this
section,

23 with respect to members of the New York state employees'
retirement

24 system WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL
EMPLOY-

25 EES' RETIREMENT SYSTEM BEFORE APRIL FIRST, TWO THOUSAND TWELVE, the
New

26 York state and local police and fire retirement system and the New
York

27 city teachers' retirement system, a member's final average salary
shall

28 be equal to one-third of the highest total wages earned during
any

29 continuous period of employment for which the member was credited
with

30 three years of service credit; provided, however, if the wages
earned

31 during any year of credited service included the period used to
deter-

32 mine final average salary exceeds the average of the wages of the
previ-

33 ous two years of credited service by more than ten percent, the
amount

34 in excess of ten percent shall be excluded from the computation of
final

35 average salary. FOR MEMBERS WHO FIRST BECOME A MEMBER OF THE NEW
YORK

36 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL
FIRST,

37 TWO THOUSAND TWELVE, WITH RESPECT TO MEMBERS OF THE NEW YORK STATE
AND

38 LOCAL EMPLOYEES' RETIREMENT SYSTEM, A MEMBER'S FINAL AVERAGE
SALARY
39 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED DURING
ANY
40 CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE MEMBER WAS CREDITED
WITH
41 FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER, IF THE WAGES
EARNED
42 DURING ANY YEAR OF CREDITED SERVICE INCLUDED THE PERIOD USED TO
DETER-
43 MINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE WAGES OF THE
PREVI-
44 OUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN TEN PERCENT, THE
AMOUNT
45 IN EXCESS OF TEN PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF
FINAL
46 AVERAGE SALARY.

47 c. Notwithstanding the provisions of subdivisions a and b of
this
48 section, the final average salary of an employee who has been a
member
49 of the New York city employees' retirement system (OTHER THAN A NEW
YORK
50 CITY CORRECTION/SANITATION REVISED PLAN MEMBER OR AN
INVESTIGATOR
51 REVISED PLAN MEMBER) or the New York city teachers' retirement
system
52 for less than one year shall be the projected one year salary, with
the
53 calculation based upon a twelve month projection of the sums earned
in
54 the portion of the year worked. If a member has been employed for
more
55 than one year but less than two years, then the member's final
average
56 salary shall be the average of the first year and projected second
year

S. 6735 12 A.
9558

1 earnings based upon the calculation above, and if more than two
years,
2 but less than three years, then one-third the total of the first
two
3 years of employment plus the projected third year's earnings,
calculated
4 as indicated above.

5 d. Subject to the provisions of subdivision c of this section,
and
6 notwithstanding the provisions of subdivision a of this section,
with
7 respect to members of the New York city employees' retirement
system
8 (OTHER THAN A NEW YORK CITY UNIFORMED CORRECTION/SANITATION REVISED
PLAN
9 MEMBER OR AN INVESTIGATOR REVISED PLAN MEMBER) and the New York
city

10 board of education retirement system who are subject to the
provisions
11 of this article, a member's final average salary shall be
determined
12 pursuant to the provisions of paragraph thirteen of subdivision e
of
13 section 13-638.4 of the administrative code of the city of New York.
14 S 21. Subdivision h of section 513 of the retirement and social
secu-
15 rity law, as added by chapter 477 of the laws of 2005, is amended
to
16 read as follows:
17 h. Notwithstanding any other provision of this section, any
general
18 member in the uniformed correction force of the New York city
department
19 of [corrections] CORRECTION who is absent without pay for a child
care
20 leave of absence pursuant to regulations of the New York city
department
21 of [corrections] CORRECTION shall be eligible for credit for such
period
22 of child care leave provided such member files a claim for such
service
23 credit with the retirement system by December thirty-first, two
thousand
24 five or within ninety days of the termination of the child care
leave,
25 whichever is later, and contributes to the retirement system an
amount
26 which such member would have contributed during the period of such
child
27 care leave, together with interest thereon. Service credit
provided
28 pursuant to this subdivision shall not exceed one year of credit
for
29 each period of authorized child care leave. In the event there is
a
30 conflict between the provisions of this subdivision and the
provisions
31 of any other law or code to the contrary, the provisions of this
subdi-
32 vision shall govern, PROVIDED, HOWEVER, THAT THE PROVISIONS OF
THIS
33 SUBDIVISION SHALL NOT APPLY TO A MEMBER OF THE UNIFORMED FORCE OF
THE
34 NEW YORK CITY DEPARTMENT OF CORRECTION WHO IS A NEW YORK CITY
UNIFORMED
35 CORRECTION/SANITATION REVISED PLAN MEMBER.
36 S 22. Intentionally omitted.
37 S 23. Subdivisions c and d of section 516 of the retirement and
social
38 security law, subdivision c as added by chapter 890 of the laws of
1976
39 and subdivision d as amended by section 148 of subpart B of part C
of

40 chapter 62 of the laws of 2011, are amended and a new subdivision e
is

41 added to read as follows:

42 c. The deferred vested benefit of police/fire members, NEW YORK
CITY

43 POLICE/FIRE REVISED PLAN MEMBERS, NEW YORK CITY
UNIFORMED

44 CORRECTION/SANITATION REVISED PLAN MEMBERS OR INVESTIGATOR REVISED
PLAN

45 MEMBERS shall be a pension commencing at early retirement age equal
to

46 two and one-tenths percent of final average salary times years of
cred-

47 ited service, less fifty percent of the primary social security
retire-

48 ment benefit commencing at age sixty-two, as provided in section
five

49 hundred eleven OF THIS ARTICLE. A police/fire member, A NEW YORK
CITY

50 POLICE/FIRE REVISED PLAN MEMBER, A NEW YORK CITY
UNIFORMED

51 CORRECTION/SANITATION REVISED PLAN MEMBER OR INVESTIGATOR REVISED
PLAN

52 MEMBER may elect to receive his vested benefit commencing at
early

53 retirement age or age fifty-five. If the vested benefit commences
before

54 early retirement age, the benefit shall be reduced by one-fifteenth
for

55 each year, if any, that the member's early retirement age is in
excess

56 of age sixty, and by one-thirtieth for each additional year by which
the

S. 6735 13 A.
9558

1 vested benefit commences prior to early retirement age. If such
vested

2 benefit is deferred until after such member's normal retirement age,
the

3 benefit shall be computed and subject to annual escalation in the
same

4 manner as provided for an early retirement benefit pursuant to
subdivi-

5 sion c of section five hundred five of this article.

6 d. The deferred vested benefit of general members in the
uniformed

7 correction force of the New York city department of correction, who
are

8 not entitled to a deferred vested benefit under subdivision d of
section

9 five hundred four-a of this article or under subdivision d of
section

10 five hundred four-b of this article or under subdivision d of
section

11 five hundred four-d of this article, or of general members in
the

12 uniformed personnel in institutions under the jurisdiction of
the
13 department of corrections and community supervision, as defined
in
14 subdivision i of section eighty-nine of this chapter, with twenty
or
15 more years of credited service shall be a pension commencing at
normal
16 retirement age equal to one-fiftieth of final average salary times
years
17 of credited service, not in excess of thirty years, OR FOR MEMBERS
WHO
18 FIRST BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES'
RETIRE-
19 MENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, A
PENSION
20 EQUAL TO THE SUM OF THIRTY-FIVE PER CENTUM AND ONE-FIFTIETH OF
FINAL
21 AVERAGE SALARY FOR EACH YEAR OF SERVICE IN EXCESS OF TWENTY, BUT NOT
IN
22 EXCESS OF THIRTY, TIMES FINAL AVERAGE SALARY TIMES YEARS OF
CREDITED
23 SERVICE. The deferred vested benefit of general members in
the
24 uniformed correction force of the New York city department
of
25 correction, who are not entitled to a deferred vested benefit
under
26 subdivision d of section five hundred four-a of this article or
under
27 subdivision d of section five hundred four-b of this article or
under
28 subdivision d of section five hundred four-d of this article, or
of
29 general members in the uniformed personnel in institutions under
juris-
30 diction of the department of corrections and community supervision,
as
31 defined in subdivision i of section eighty-nine of this chapter,
with
32 less than twenty years of credited service shall be a pension
commencing
33 at normal retirement age equal to one-sixtieth of final average
salary
34 times years of credited service. Such deferred vested benefit may
be
35 paid in the form of an early service retirement benefit, or may be
post-
36 poned until after normal retirement age, in which event the benefit
will
37 be subject to reduction or escalation as provided in subdivision c
of
38 section five hundred four of this article.
39 E. IN NO EVENT SHALL THE VESTED RETIREMENT ALLOWANCE PAYABLE
WITHOUT
40 OPTIONAL MODIFICATION BE LESS THAN THE ACTUARIAL EQUIVALENT OF THE
TOTAL

41 WHICH RESULTS FROM THE MEMBER'S CONTRIBUTIONS ACCUMULATED WITH
INTEREST

42 AT FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE DATE OF
RETIREMENT.

43 S 24. Subdivision a of section 517 of the retirement and social
secu-
44 rity law, as added by chapter 890 of the laws of 1976, is amended
to

45 read as follows:

46 a. Members shall contribute three percent of annual wages to
the
47 retirement system in which they have membership, provided that
such
48 contributions shall not be required for more than thirty years,
for

49 general members, or twenty-five years, for police/fire members,
EXCEPT

50 THAT BEGINNING APRIL FIRST, TWO THOUSAND THIRTEEN FOR MEMBERS WHO
FIRST

51 BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL EMPLOYEES'
RETIREMENT

52 SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE RATE AT
WHICH

53 EACH SUCH MEMBER SHALL CONTRIBUTE IN ANY CURRENT PLAN YEAR (APRIL
FIRST

54 TO MARCH THIRTY-FIRST) SHALL BE DETERMINED BY REFERENCE TO THE WAGES
OF

55 SUCH MEMBER IN THE SECOND PLAN YEAR (APRIL FIRST TO MARCH THIRTY-
FIRST)

56 PRECEDING SUCH CURRENT PLAN YEAR AS FOLLOWS:

S. 6735

14

A.

9558

1 1. MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM OR
LESS

2 SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;

3 2. MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER ANNUM,
BUT

4 NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE THREE
AND

5 ONE-HALF PER CENTUM OF ANNUAL WAGES;

6 3. MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER ANNUM,
BUT

7 NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE FOUR
AND

8 ONE-HALF PER CENTUM OF ANNUAL WAGES;

9 4. MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER ANNUM
BUT

10 NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE FIVE
AND

11 THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND

12 5. MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM

13 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.

14 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN

15 YEARS (APRIL FIRST TO MARCH THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS
16 ESTABLISHED MEMBERSHIP IN THE NEW YORK STATE AND LOCAL
EMPLOYEES'
17 RETIREMENT SYSTEM, SUCH MEMBER SHALL CONTRIBUTE A PERCENTAGE OF
ANNUAL
18 WAGES IN ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A
PROJECTION
19 OF ANNUAL WAGES PROVIDED BY THE EMPLOYER.
20 The head of each retirement system shall promulgate such
regulations
21 as may be necessary and appropriate with respect to the deduction
of
22 such contribution from members' wages and for the maintenance of
any
23 special fund or funds with respect to amounts so contributed.
24 S 25. Subdivision b of section 517-c of the retirement and
social
25 security law, as amended by chapter 171 of the laws of 2011, is
amended
26 to read as follows:
27 b. A member of the New York state and local employees'
retirement
28 system, the New York state and local police and fire retirement
system,
29 the New York city employees' retirement system or the New York
city
30 board of education retirement system in active service who has
credit
31 for at least one year of member service may borrow, no more than
once
32 during each twelve month period, an amount not exceeding seventy-
five
33 percent of the total contributions made pursuant to section five
hundred
34 seventeen OF THIS ARTICLE (including interest credited at the rate
set
35 forth in subdivision c of such section five hundred seventeen
compounded
36 annually) and not less than one thousand dollars, PROVIDED,
HOWEVER,
37 THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A NEW YORK
CITY
38 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER OR AN
INVESTIGATOR
39 REVISED PLAN MEMBER.
40 S 26. Intentionally omitted.
41 S 27. Paragraphs 4 and 5 of subdivision a of section 600 of
the
42 retirement and social security law, as amended by chapter 370 of
the
43 laws of 1996, are amended and a new paragraph 6 is added to read
as
44 follows:
45 4. Members qualified for participation in the uniformed transit
police

46 force plan or housing police force plan in the New York city
employees'
47 retirement [systems] SYSTEM; [and]
48 5. Investigator [member] MEMBERS of the New York city
employees'
49 retirement system[.]; AND
50 6. MEMBERS OF THE UNIFORMED FORCE OF THE NEW YORK CITY DEPARTMENT
OF
51 SANITATION WHO JOIN OR REJOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE
ON
52 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.
53 S 28. Subdivision 1 of section 601 of the retirement and social
secu-
54 rity law, as amended by section 5 of part B of chapter 504 of the
laws
55 of 2009, is amended to read as follows:
S. 6735 15 A.
9558

1 1. "Wages" shall mean regular compensation earned by and paid to
a
2 member by a public employer, except that for members who first join
the
3 New York state and local employees' retirement system or the New
York
4 state teachers' retirement system on or after January first, two
thou-
5 sand ten, overtime compensation paid in any year in excess of the
over-
6 time ceiling, as defined by this subdivision, shall not be included
in
7 the definition of wages. "Overtime compensation" shall mean,
for
8 purposes of this section, compensation paid under any law or
policy
9 under which employees are paid at a rate greater than their
standard
10 rate for additional hours worked beyond those required,
including
11 compensation paid under section one hundred thirty-four of the
civil
12 service law and section ninety of the general municipal law. The
"over-
13 time ceiling" shall mean fifteen thousand dollars per annum on
January
14 first, two thousand ten, and shall be increased by three per cent
each
15 year thereafter, PROVIDED, HOWEVER, THAT FOR MEMBERS WHO FIRST
BECOME
16 MEMBERS OF A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER
APRIL
17 FIRST, TWO THOUSAND TWELVE, "OVERTIME CEILING" SHALL MEAN FIFTEEN
THOU-
18 SAND DOLLARS PER ANNUM ON APRIL FIRST, TWO THOUSAND TWELVE, AND SHALL
BE
19 INCREASED EACH YEAR THEREAFTER BY A PERCENTAGE TO BE DETERMINED
ANNUALLY

20 BY REFERENCE TO THE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS, CPI-
U,
21 U.S. CITY AVERAGE, ALL ITEMS, 1982-84=100), PUBLISHED BY THE
UNITED
22 STATES BUREAU OF LABOR STATISTICS, FOR EACH APPLICABLE CALENDAR
YEAR.
23 SAID PERCENTAGE SHALL EQUAL THE ANNUAL INFLATION AS DETERMINED FROM
THE
24 INCREASE IN THE CONSUMER PRICE INDEX IN THE ONE YEAR PERIOD ENDING
ON
25 THE DECEMBER THIRTY-FIRST PRIOR TO THE COST-OF-LIVING ADJUSTMENT
EFFEC-
26 TIVE ON THE ENSUING APRIL FIRST. FOR MEMBERS WHO FIRST JOIN A
PUBLIC
27 RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO
THOUSAND
28 TWELVE, THE FOLLOWING ITEMS SHALL NOT BE INCLUDED IN THE DEFINITION
OF
29 WAGES: 1. WAGES IN EXCESS OF THE ANNUAL SALARY PAID TO THE
GOVERNOR
30 PURSUANT TO SECTION THREE OF ARTICLE FOUR OF THE STATE CONSTITUTION,
2.
31 LUMP SUM PAYMENTS FOR DEFERRED COMPENSATION, SICK LEAVE,
ACCUMULATED
32 VACATION OR OTHER CREDITS FOR TIME NOT WORKED, 3. ANY FORM OF
TERMI-
33 NATION PAY, 4. ANY ADDITIONAL COMPENSATION PAID IN ANTICIPATION
OF
34 RETIREMENT, AND 5. IN THE CASE OF EMPLOYEES WHO RECEIVE WAGES FROM
THREE
35 OR MORE EMPLOYERS IN A TWELVE MONTH PERIOD, THE WAGES PAID BY THE
THIRD
36 AND EACH SUCCESSIVE EMPLOYER.
37 S 29. Section 601 of the retirement and social security law is
amended
38 by adding a new subdivision m to read as follows:
39 M. "NEW YORK CITY REVISED PLAN MEMBER" SHALL MEAN A MEMBER OF THE
NEW
40 YORK CITY EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK CITY
TEACHERS'
41 RETIREMENT SYSTEM OR THE BOARD OF EDUCATION RETIREMENT SYSTEM OF
THE
42 CITY OF NEW YORK WHO BECOMES SUBJECT TO THE PROVISIONS OF THIS
ARTICLE
43 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.
44 S 29-a. Subdivision b-1 of section 602 of the retirement and
social
45 security law, as added by section 2 of part C of chapter 504 of the
laws
46 of 2009, is amended to read as follows:
47 b-1. (1) Notwithstanding the provisions of subdivision a or b of
this
48 section or any other provision of law to the contrary, (i) a member
of
49 the New York city teachers' retirement system who holds a
position

50 represented by the recognized teacher organization for
collective
51 bargaining purposes, and who became subject to the provisions of
this
52 article after the effective date of this subdivision, or (ii) a
member
53 of the New York city board of education retirement system who holds
a
54 position represented by the recognized teacher organization for
collec-
55 tive bargaining purposes, and who became subject to the provisions
of
56 this article after the effective date of this subdivision, shall not
be

S. 6735 16 A.
9558

1 eligible for service retirement benefits hereunder until such member
has
2 rendered a minimum of ten years of credited service.

3 (2) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OR B OF
THIS

4 SECTION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, A MEMBER
WHO

5 FIRST JOINS A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER
APRIL

6 FIRST, TWO THOUSAND TWELVE SHALL NOT BE ELIGIBLE FOR SERVICE
RETIREMENT

7 BENEFITS HEREUNDER UNTIL SUCH MEMBER HAS RENDERED A MINIMUM OF TEN
YEARS

8 OF CREDITED SERVICE.

9 S 30. Intentionally omitted.

10 S 31. Subdivision a of section 603 of the retirement and social
secu-

11 rity law, as amended by section 7 of part B of chapter 504 of the
laws

12 of 2009, is amended and a new subdivision a-1 is added to read
as

13 follows:

14 a. The service retirement benefit specified in section six
hundred

15 four of this article shall be payable to members who have met the
mini-

16 mum service requirements upon retirement and attainment of age
sixty-

17 two, other than members who are eligible for early service
retirement

18 pursuant to subdivision c of section six hundred four-b of this
article,

19 subdivision c of section six hundred four-c of this article,
subdivision

20 d of section six hundred four-d of this article, subdivision c
of

21 section six hundred four-e of this article, subdivision c of section
six

22 hundred four-f of this article, subdivision c of section six
hundred

23 four-g of this article, subdivision c of section six hundred four-h
of
24 this article or subdivision c of section six hundred four-i of
this
25 article, provided, however, a member of a teachers' retirement system
or
26 the New York state and local employees' retirement system who
first
27 joins such system before January first, two thousand ten or a member
who
28 is a uniformed court officer or peace officer employed by the
unified
29 court system WHO FIRST BECOMES A MEMBER OF THE NEW YORK STATE AND
LOCAL
30 EMPLOYEES' RETIREMENT SYSTEM BEFORE APRIL FIRST, TWO THOUSAND TWELVE
may
31 retire without reduction of his or her retirement benefit upon
attain-
32 ment of at least fifty-five years of age and completion of thirty
or
33 more years of service, provided, however, that a uniformed court
officer
34 or peace officer employed by the unified court system who first
becomes
35 a member of the New York state and local employees' retirement system
on
36 or after January first, two thousand ten and retires without
reduction
37 of his or her retirement benefit upon attainment of at least fifty-
five
38 years of age and completion of thirty or more years of service
pursuant
39 to this section shall be required to make the member
contributions
40 required by subdivision f of section six hundred thirteen of this
arti-
41 cle for all years of credited and creditable service, PROVIDED
FURTHER
42 THAT THE THE PRECEDING PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY
TO
43 A NEW YORK CITY REVISED PLAN MEMBER.
44 A-1. FOR MEMBERS WHO FIRST BECOME A MEMBER OF A PUBLIC
RETIREMENT
45 SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE,
THE
46 SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED FOUR OF
THIS
47 ARTICLE SHALL BE PAYABLE TO MEMBERS WHO HAVE MET THE MINIMUM
SERVICE
48 REQUIREMENTS UPON RETIREMENT AND HAVE ATTAINED AGE SIXTY-THREE.
49 S 32. Subdivision i of section 603 of the retirement and social
secu-
50 rity law, as amended by section 8 of part B of chapter 504 of the
laws
51 of 2009, is amended by adding a new paragraph 3 to read as follows:
52 3. A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE WHO HAS MET
THE

53 MINIMUM SERVICE REQUIREMENT, BUT WHO IS NOT A NEW YORK CITY
TRANSIT
54 AUTHORITY MEMBER, AS DEFINED IN PARAGRAPH ONE OF SUBDIVISION A
OF
55 SECTION SIX HUNDRED FOUR-B OF THIS ARTICLE, MAY RETIRE PRIOR TO
NORMAL
56 RETIREMENT AGE, BUT NO EARLIER THAN ATTAINMENT OF AGE FIFTY-FIVE,
IN
S. 6735 17 A.
9558

1 WHICH EVENT, THE AMOUNT OF HIS OR HER RETIREMENT BENEFIT COMPUTED
WITH-
2 OUT OPTIONAL MODIFICATION SHALL BE REDUCED BY SIX AND ONE-HALF
PER
3 CENTUM FOR EACH YEAR BY WHICH EARLY RETIREMENT PRECEDES AGE SIXTY-
THREE.
4 S 33. Subdivision t of section 603 of the retirement and social
secu-
5 rity law, as added by section 8-a of part B of chapter 504 of the
laws
6 of 2009, is amended to read as follows:
7 t. Members who join the New York state teachers' retirement system
on
8 or after January first, two thousand ten, shall be eligible to
retire
9 without reduction of his or her retirement benefit upon attainment of
at
10 least fifty-seven years of age and completion of thirty or more years
of
11 service. Members who retire pursuant to the provisions of this
subdivi-
12 sion shall be required to make the member contributions required
by
13 subdivision g of section six hundred thirteen of this article for
all
14 years of credited and creditable service. THE PROVISIONS OF THIS
SUBDI-
15 VISION SHALL NOT APPLY TO MEMBERS WHO FIRST BECOME A MEMBER OF THE
NEW
16 YORK STATE TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST,
TWO
17 THOUSAND TWELVE.
18 S 33-a. Subdivision a of section 604 of the retirement and
social
19 security law, as amended by section 8-b of part B of chapter 504 of
the
20 laws of 2009, is amended to read as follows:
21 a. The service retirement benefit at normal retirement age for
a
22 member with less than twenty years of credited service, or less
than
23 twenty-five years credited service for a member who joins the New
York
24 state teachers' retirement system on or after January first, two
thou-

25 sand ten, shall be a retirement allowance equal to one-sixtieth of
final
26 average salary times years of credited service. NORMAL RETIREMENT
AGE
27 FOR MEMBERS WHO FIRST BECOME MEMBERS OF A PUBLIC RETIREMENT SYSTEM
OF
28 THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE SHALL BE
AGE
29 SIXTY-THREE.
30 S 34. Section 604 of the retirement and social security law is
amended
31 by adding a new subdivision b-1 to read as follows:
32 B-1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
THE
33 SERVICE RETIREMENT BENEFIT FOR MEMBERS WITH TWENTY OR MORE YEARS
OF
34 CREDIT SERVICE WHO FIRST BECOME A MEMBER OF A PUBLIC RETIREMENT
SYSTEM
35 OF THE STATE ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE AT AGE
SIXTY-
36 THREE SHALL BE A PENSION EQUAL TO THE SUM OF THIRTY-FIVE PER CENTUM
AND
37 ONE-FIFTIETH OF FINAL AVERAGE SALARY FOR EACH YEAR OF SERVICE IN
EXCESS
38 OF TWENTY TIMES FINAL AVERAGE SALARY TIMES YEARS OF CREDITED
SERVICE.
39 IN NO EVENT SHALL ANY RETIREMENT BENEFIT PAYABLE WITHOUT
OPTIONAL
40 MODIFICATION BE LESS THAN THE ACTUARIALLY EQUIVALENT ANNUITIZED VALUE
OF
41 THE MEMBER'S CONTRIBUTIONS ACCUMULATED WITH INTEREST AT FIVE PERCENT
PER
42 ANNUM COMPOUNDED ANNUALLY TO THE DATE OF RETIREMENT.
43 S 35. Paragraph 1 of subdivision d of section 604-b of the
retirement
44 and social security law, as amended by chapter 10 of the laws of
2000,
45 is amended to read as follows:
46 1. A participant in the twenty-five-year and age fifty-five
retirement
47 program who:
48 (i) discontinues city-service and service as a member of the New
York
49 city transit authority other than by death or retirement; and
50 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED
51 PLAN MEMBER, prior to such discontinuance, completed five but less
than
52 twenty-five years of allowable service in the transit authority OR,
IN
53 THE CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN
MEMBER,
54 HAS COMPLETED TEN BUT LESS THAN TWENTY-FIVE YEARS OF ALLOWABLE
SERVICE
55 IN THE TRANSIT AUTHORITY PRIOR TO SUCH DISCONTINUANCE; and
S. 6735

1 (iii) has paid, prior to such discontinuance, all additional
member
2 contributions and interest, if any, required by subdivision e of
this
3 section; and
4 (iv) does not withdraw in whole or in part his or her
accumulated
5 member contributions pursuant to section six hundred thirteen of
this
6 article unless such participant thereafter returns to public service
and
7 repays the amounts so withdrawn, together with interest, pursuant
to
8 such section six hundred thirteen of this article; shall be entitled
to
9 receive a deferred vested benefit as provided in section six
hundred
10 twelve of this article.
11 S 36. Subparagraph (ii) of paragraph 3 of subdivision d of
section
12 604-b of the retirement and social security law, as added by chapter
352
13 of the laws of 1997, is amended to read as follows:
14 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY
15 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the
16 earliest date on which such discontinued member could have retired
for
17 service if such discontinuance had not occurred OR, IN THE CASE OF
A
18 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED
19 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.
20 S 37. Subdivision b of section 604-c of the retirement and
social
21 security law, as added by chapter 96 of the laws of 1995, is amended
by
22 adding a new paragraph 2-a to read as follows:
23 2-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR
ANY
24 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT
TO
25 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF
THIS
26 PARAGRAPH SHALL BE A PARTICIPANT IN THE TWENTY-FIVE-YEAR EARLY
RETIRE-
27 MENT PROGRAM.
28 S 38. Paragraph 1 of subdivision d of section 604-c of the
retirement
29 and social security law, as amended by chapter 659 of the laws of
1999,
30 is amended to read as follows:
31 1. A participant in the twenty-year/age fifty retirement program
who:

32 (i) discontinues service as a Triborough bridge and tunnel
member,
33 other than by death or retirement; and
34 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED
35 PLAN MEMBER, prior to such discontinuance, completed five but less
than
36 twenty years of credited service OR, IN THE CASE OF A PARTICIPANT WHO
IS
37 A NEW YORK CITY REVISED PLAN MEMBER, HAS COMPLETED TEN BUT LESS
THAN
38 TWENTY YEARS OF CREDITED SERVICE; and
39 (iii) has paid, prior to such discontinuance, all additional
member
40 contributions and interest (if any) required by subdivision e of
this
41 section; and
42 (iv) does not withdraw in whole or in part his or her
accumulated
43 member contributions pursuant to section six hundred thirteen of
this
44 article unless such participant thereafter returns to public service
and
45 repays the amounts so withdrawn, together with interest, pursuant
to
46 such section six hundred thirteen; shall be entitled to receive
a
47 deferred vested benefit as provided in this subdivision.
48 S 39. Subparagraph (ii) of paragraph 2 of subdivision d of
section
49 604-c of the retirement and social security law, as added by chapter
472
50 of the laws of 1995, is amended to read as follows:
51 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY
52 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the
53 earliest date on which such discontinued member could have retired
for
54 service if such discontinuance had not occurred OR, IN THE CASE OF
A
55 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED
56 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.
S. 6735 19 A.
9558

1 S 40. Subdivision c of section 604-d of the retirement and
social
2 security law is amended by adding a new paragraph 3-a to read
as
3 follows:
4 3-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR
ANY
5 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT
TO

6 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF
THIS

7 PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-SEVEN
RETIREMENT

8 PROGRAM.

9 S 41. Paragraph 1 of subdivision d of section 604-e of the
retirement

10 and social security law, as added by chapter 576 of the laws of 2000,
is

11 amended to read as follows:

12 1. A participant in the twenty-five year retirement program:

13 (i) who discontinues service as such a participant, other than
by

14 death or retirement; and

15 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED

16 PLAN MEMBER, who prior to such discontinuance, completed five but
less

17 than twenty-five years of allowable service as a dispatcher member
OR,

18 IN THE CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN
MEMBER,

19 WHO PRIOR TO SUCH DISCONTINUANCE, COMPLETED TEN BUT LESS
THAN

20 TWENTY-FIVE YEARS OF ALLOWABLE SERVICE AS A DISPATCHER MEMBER; and

21 (iii) who, subject to the provisions of paragraph seven of
subdivision

22 e of this section, has paid, prior to such discontinuance, all
addi-

23 tional member contributions and interest (if any) required by
subdivi-

24 sion e of this section; and

25 (iv) who does not withdraw in whole or in part his or her
accumulated

26 member contributions pursuant to section six hundred thirteen of
this

27 article unless such participant thereafter returns to public service
and

28 repays the amounts so withdrawn, together with interest, pursuant
to

29 such section six hundred thirteen; shall be entitled to receive
a

30 deferred vested benefit as provided in this subdivision.

31 S 42. Subparagraph (ii) of paragraph 2 of subdivision d of
section

32 604-e of the retirement and social security law, as added by chapter
576

33 of the laws of 2000, is amended to read as follows:

34 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY

35 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the

36 earliest date on which such discontinued member could have retired
for

37 service if such discontinuance had not occurred OR, IN THE CASE OF
A

38 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED

39 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.

40 S 43. Paragraph 1 of subdivision d of section 604-e of the
retirement

41 and social security law, as added by chapter 577 of the laws of 2000,
is

42 amended to read as follows:

43 1. A participant in the twenty-five year retirement program:

44 (i) who discontinues service as such a participant, other than
by

45 death or retirement; and

46 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED

47 PLAN MEMBER, who prior to such discontinuance, completed five but
less

48 than twenty-five years of allowable service as an EMT member OR, IN
THE

49 CASE OF A PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER,
WHO

50 PRIOR TO SUCH DISCONTINUANCE, COMPLETED TEN BUT LESS THAN TWENTY-
FIVE

51 YEARS OF ALLOWABLE SERVICE AS AN EMT MEMBER; and

52 (iii) who, subject to the provisions of paragraph seven of
subdivision

53 e of this section, has paid, prior to such discontinuance, all
addi-

54 tional member contributions and interest (if any) required by
subdivi-

55 sion e of this section; and

S. 6735 20 A.
9558

1 (iv) who does not withdraw in whole or in part his or her
accumulated

2 member contributions pursuant to section six hundred thirteen of
this

3 article unless such participant thereafter returns to public service
and

4 repays the amounts so withdrawn, together with interest, pursuant
to

5 such section six hundred thirteen; shall be entitled to receive
a

6 deferred vested benefit as provided in this subdivision.

7 S 44. Subparagraph (ii) of paragraph 2 of subdivision d of
section

8 604-e of the retirement and social security law, as added by chapter
577

9 of the laws of 2000, is amended to read as follows:

10 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY

11 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the

12 earliest date on which such discontinued member could have retired
for

13 service if such discontinuance had not occurred OR, IN THE CASE OF
A

14 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED
15 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.
16 S 45. Paragraph 1 of subdivision d of section 604-f of the
retirement
17 and social security law, as added by chapter 559 of the laws of 2001,
is
18 amended to read as follows:
19 1. A participant in the twenty-five year retirement program:
20 (i) who discontinues service as such a participant, other than
by
21 death or retirement; and
22 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED
23 PLAN MEMBER, who prior to such discontinuance, completed five but
less
24 than twenty-five years of credited service OR, IN THE CASE OF A
PARTIC-
25 IPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO
SUCH
26 DISCONTINUANCE, COMPLETED TEN BUT LESS THAN TWENTY-FIVE YEARS OF
CREDIT-
27 ED SERVICE; and
28 (iii) who, subject to the provisions of paragraph seven of
subdivision
29 e of this section, has paid, prior to such discontinuance, all
addi-
30 tional member contributions and interest (if any) required by
subdivi-
31 sion e of this section; and
32 (iv) who does not withdraw in whole or in part his or her
accumulated
33 member contributions pursuant to section six hundred thirteen of
this
34 article unless such participant thereafter returns to public service
and
35 repays the amounts so withdrawn, together with interest, pursuant
to
36 such section six hundred thirteen; shall be entitled to receive
a
37 deferred vested benefit as provided in this subdivision.
38 S 46. Subparagraph (ii) of paragraph 2 of subdivision d of
section
39 604-f of the retirement and social security law, as added by chapter
559
40 of the laws of 2001, is amended to read as follows:
41 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY
42 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the
43 earliest date on which such discontinued member could have retired
for
44 service if such discontinuance had not occurred OR, IN THE CASE OF
A
45 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED
46 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.

47 S 47. Paragraph 1 of subdivision d of section 604-f of the
retirement
48 and social security law, as added by chapter 582 of the laws of 2001,
is

49 amended to read as follows:

50 1. A participant in the twenty-five year retirement program:

51 (i) who discontinues service as such a participant, other than
by

52 death or retirement; and

53 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED

54 PLAN MEMBER, who prior to such discontinuance, completed five but
less

55 than twenty-five years of allowable service as a special officer,
park-

56 ing control specialist, school safety agent, campus peace officer
or

S. 6735 21 A.
9558

1 taxi and limousine inspector member OR, IN THE CASE OF A PARTICIPANT
WHO

2 IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO SUCH
DISCONTIN-

3 UANCE, COMPLETED TEN BUT LESS THAN TWENTY-FIVE YEARS OF
ALLOWABLE

4 SERVICE AS A SPECIAL OFFICER, PARKING CONTROL SPECIALIST, SCHOOL
SAFETY

5 AGENT, CAMPUS PEACE OFFICER OR TAXI AND LIMOUSINE INSPECTOR MEMBER;
and

6 (iii) who, subject to the provisions of paragraph seven of
subdivision

7 e of this section, has paid, prior to such discontinuance, all
addi-

8 tional member contributions and interest, if any, required by
subdivi-

9 sion e of this section; and

10 (iv) who does not withdraw in whole or in part his or her
accumulated

11 member contributions pursuant to section six hundred thirteen of
this

12 article unless such participant thereafter returns to public service
and

13 repays the amounts so withdrawn, together with interest, pursuant
to

14 such section six hundred thirteen; shall be entitled to receive
a

15 deferred vested benefit as provided in this subdivision.

16 S 48. Subparagraph (ii) of paragraph 2 of subdivision d of
section

17 604-f of the retirement and social security law, as added by chapter
582

18 of the laws of 2001, is amended to read as follows:

19 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY

20 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the

21 earliest date on which such discontinued member could have retired
for
22 service if such discontinuance had not occurred OR, IN THE CASE OF
A
23 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED
24 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.
25 S 49. Paragraph 1 of subdivision d of section 604-g of the
retirement
26 and social security law, as added by chapter 414 of the laws of 2002,
is
27 amended to read as follows:
28 1. A participant in the twenty-five year/age fifty retirement
program:
29 (i) who discontinues service as such a participant, other than
by
30 death or retirement; and
31 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED
32 PLAN MEMBER, who prior to such discontinuance, completed five but
less
33 than twenty-five years of credited service OR, IN THE CASE OF A
PARTIC-
34 IPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO
SUCH
35 DISCONTINUANCE, COMPLETED TEN BUT LESS THAN TWENTY-FIVE YEARS OF
CREDIT-
36 ED SERVICE; and
37 (iii) who, subject to the provisions of paragraph seven of
subdivision
38 e of this section, has paid, prior to such discontinuance, all
addi-
39 tional member contributions and interest (if any) required by
subdivi-
40 sion e of this section; and
41 (iv) who does not withdraw in whole or in part his or her
accumulated
42 member contributions pursuant to section six hundred thirteen of
this
43 article unless such participant thereafter returns to public service
and
44 repays the amounts so withdrawn, together with interest, pursuant
to
45 such section six hundred thirteen; shall be entitled to receive
a
46 deferred vested benefit as provided in this subdivision.
47 S 50. Subparagraph (ii) of paragraph 2 of subdivision d of
section
48 604-g of the retirement and social security law, as added by chapter
414
49 of the laws of 2002, is amended to read as follows:
50 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY
51 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the
52 earliest date on which such discontinued member could have retired
for

53 service if such discontinuance had not occurred OR, IN THE CASE OF
A
54 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED
55 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.
S. 6735 22 A.
9558

1 S 51. Paragraph 1 of subdivision d of section 604-h of the
retirement
2 and social security law, as added by chapter 682 of the laws of 2003,
is
3 amended to read as follows:
4 1. A participant in the twenty-five year retirement program:
5 (i) who discontinues service as such a participant, other than
by
6 death or retirement; and
7 (ii) IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK CITY
REVISED
8 PLAN MEMBER, who prior to such discontinuance, completed five but
less
9 than twenty-five years of credited service OR, IN THE CASE OF A
PARTIC-
10 IPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, WHO PRIOR TO
SUCH
11 DISCONTINUANCE, COMPLETED TEN BUT LESS THAN TWENTY-FIVE YEARS OF
CREDIT-
12 ED SERVICE; and
13 (iii) who, subject to the provisions of paragraph seven of
subdivision
14 e of this section, has paid, prior to such discontinuance, all
addi-
15 tional member contributions and interest (if any) required by
subdivi-
16 sion e of this section; and
17 (iv) who does not withdraw in whole or in part his or her
accumulated
18 member contributions pursuant to section six hundred thirteen of
this
19 article unless such participant thereafter returns to public service
and
20 repays the amounts so withdrawn, together with interest, pursuant
to
21 such section six hundred thirteen; shall be entitled to receive
a
22 deferred vested benefit as provided in this subdivision.
23 S 52. Subparagraph (ii) of paragraph 2 of subdivision d of
section
24 604-h of the retirement and social security law, as added by chapter
682
25 of the laws of 2003, is amended to read as follows:
26 (ii) [Such] IN THE CASE OF A PARTICIPANT WHO IS NOT A NEW YORK
CITY
27 REVISED PLAN MEMBER, SUCH vested benefit shall become payable on
the
28 earliest date on which such discontinued member could have retired
for

29 service if such discontinuance had not occurred OR, IN THE CASE OF
A
30 PARTICIPANT WHO IS A NEW YORK CITY REVISED PLAN MEMBER, SUCH
VESTED

31 BENEFIT SHALL BECOME PAYABLE AT AGE SIXTY-THREE.

32 S 53. Subdivision b of section 604-i of the retirement and
social

33 security law is amended by adding a new paragraph 5-a to read
as

34 follows:

35 5-A. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBDIVISION OR
ANY

36 OTHER PROVISION OF LAW TO THE CONTRARY, NO MEMBER WHO BECOMES SUBJECT
TO

37 THE PROVISIONS OF THIS ARTICLE ON OR AFTER THE EFFECTIVE DATE OF
THIS

38 PARAGRAPH SHALL BE A PARTICIPANT IN THE AGE FIFTY-FIVE
RETIREMENT

39 PROGRAM.

40 S 54. Subdivisions a, b, c and d of section 608 of the retirement
and

41 social security law, subdivision a as amended by chapter 379 of the
laws

42 of 1986, subdivisions b and c as amended by chapter 286 of the laws
of

43 2010 and subdivision d as added by chapter 749 of the laws of 1992,
are

44 amended to read as follows:

45 a. [A] FOR MEMBERS WHO FIRST BECOME MEMBERS OF A PUBLIC
RETIREMENT

46 SYSTEM OF THE STATE BEFORE APRIL FIRST, TWO THOUSAND TWELVE, A
member's

47 final average salary shall be the average wages earned by such a
member

48 during any three consecutive years which provide the highest
average

49 wage; provided, however, if the wages earned during any year included
in

50 the period used to determine final average salary exceeds that of
the

51 average of the previous two years by more than ten percent, the
amount

52 in excess of ten percent shall be excluded from the computation of
final

53 average salary. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW
YORK

54 STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM OR THE NEW YORK
STATE

55 TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
THOUSAND

56 TWELVE, A MEMBER'S FINAL AVERAGE SALARY SHALL BE THE AVERAGE
WAGES

S. 6735
9558

23

A.

1 EARNED BY SUCH MEMBER DURING ANY FIVE CONSECUTIVE YEARS WHICH
PROVIDE

2 THE HIGHEST AVERAGE WAGE; PROVIDED, HOWEVER, IF THE WAGES EARNED
DURING
3 ANY YEAR INCLUDED IN THE PERIOD USED TO DETERMINE FINAL AVERAGE
SALARY
4 EXCEEDS THAT OF THE AVERAGE OF THE PREVIOUS FOUR YEARS BY MORE THAN
TEN
5 PERCENT, THE AMOUNT IN EXCESS OF TEN PERCENT SHALL BE EXCLUDED FROM
THE
6 COMPUTATION OF FINAL AVERAGE SALARY. Where the period used to
determine
7 final average salary is the period which immediately precedes the
date
8 of retirement, any month or months (not in excess of twelve) which
would
9 otherwise be included in computing final average salary but during
which
10 the member was on authorized leave of absence at partial pay or
without
11 pay shall be excluded from the computation of final average salary
and
12 the month or an equal number of months immediately preceding such
period
13 shall be substituted in lieu thereof.
14 b. Notwithstanding the provisions of subdivision a of this
section,
15 with respect to members WHO FIRST BECAME MEMBERS of the New York
state
16 AND LOCAL employees' retirement system and the New York city
teachers'
17 retirement system BEFORE APRIL FIRST, TWO THOUSAND TWELVE, a
member's
18 final average salary shall be equal to one-third of the highest
total
19 wages earned by such member during any continuous period of
employment
20 for which the member was credited with three years of service
credit;
21 provided, however, if the wages earned during any year of
credited
22 service included in the period used to determine final average
salary
23 exceeds the average of the wages of the previous two years of
credited
24 service by more than ten percent, the amount in excess of ten
percent
25 shall be excluded from the computation of final average salary.
WITH
26 RESPECT TO MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK STATE
AND
27 LOCAL EMPLOYEES' RETIREMENT SYSTEM AND THE NEW YORK CITY
TEACHERS'
28 RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE,
A
29 MEMBER'S FINAL AVERAGE SALARY SHALL BE EQUAL TO ONE-FIFTH OF THE
HIGHEST
30 TOTAL WAGES EARNED BY SUCH MEMBER DURING ANY CONTINUOUS PERIOD
OF

31 EMPLOYMENT FOR WHICH THE MEMBER WAS CREDITED WITH FIVE YEARS OF
SERVICE
32 CREDIT; PROVIDED, HOWEVER, IF THE WAGES EARNED DURING ANY YEAR OF
CRED-
33 ITED SERVICE INCLUDED IN THE PERIOD USED TO DETERMINE FINAL
AVERAGE
34 SALARY EXCEEDS THE AVERAGE OF THE WAGES OF THE PREVIOUS FOUR YEARS
OF
35 CREDITED SERVICE BY MORE THAN TEN PERCENT, THE AMOUNT IN EXCESS OF
TEN
36 PERCENT SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE
SALARY.
37 c. Notwithstanding the provisions of subdivisions a and b of
this
38 section, the final average salary of an employee who has been a
member
39 of the New York city employees' retirement system or the New York
city
40 teachers' retirement system for less than one year shall be the
project-
41 ed one year salary, with the calculation based upon a twelve
month
42 projection of the sums earned in the portion of the year worked. If
a
43 member has been employed for more than one year but less than two
years,
44 then the member's final average salary shall be the average of the
first
45 year and projected second year earnings based upon the
calculation
46 above, and if more than two years, but less than three years, then
one-
47 third the total of the first two years of employment plus the
projected
48 third year's earnings, calculated as indicated above, PROVIDED THAT
THIS
49 SUBDIVISION SHALL NOT APPLY TO A NEW YORK CITY REVISED PLAN MEMBER
OF
50 THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM OR A NEW YORK
CITY
51 REVISED PLAN MEMBER OF THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM.
52 d. Subject to the provisions of subdivision c of this section,
and
53 notwithstanding the provisions of subdivision a of this section,
with
54 respect to members of the New York city employees' retirement system
and
55 the New York city board of education retirement system who are
subject
56 to the provisions of this article, a member's final average salary
shall
S. 6735 24 A.
9558

1 be determined pursuant to the provisions of paragraph fourteen of
SUBDI-

2 VISION E OF section 13-638.4 of the administrative code of the city
of
3 New York, PROVIDED, HOWEVER, THAT THE APPLICABLE PROVISIONS AND
LIMITA-
4 TIONS OF THE TERM "WAGES", AS DEFINED IN SUBDIVISION L OF SECTION
SIX
5 HUNDRED ONE OF THIS ARTICLE, SHALL APPLY TO SUCH DETERMINATIONS OF
FINAL
6 AVERAGE SALARY.
7 S 55. Paragraph 2 of subdivision b of section 609 of the
retirement
8 and social security law, as amended by section 8-c of part B of
chapter
9 504 of the laws of 2009, is amended to read as follows:
10 2. Previous service credit shall not be granted unless such
member
11 applies therefor and repays the amount refunded by a public
retirement
12 system of the state for service rendered after July first,
nineteen
13 hundred seventy-six together with interest through the date of
repayment
14 at the rate of five percent per annum compounded annually and
three
15 percent of the wages earned for service prior to that date together
with
16 interest from July first, nineteen hundred seventy-six through the
date
17 of payment at the rate of five percent per annum compounded annually
and
18 three percent of the wages earned for service which predates the date
of
19 entry into the retirement system together with interest at the rate
of
20 five percent per annum compounded annually from the date of such
service
21 until the date of payment. Anything in this paragraph to the
contrary
22 notwithstanding, in order to obtain credit for previous service,
members
23 who first join the New York state teachers' retirement system on
or
24 after January first, two thousand ten shall pay three and one-
half
25 percent of wages earned for service which predates the date of
entry
26 into the retirement system together with interest at the rate of
five
27 percent per annum compounded annually from the date of such
service
28 until the date of payment. ANYTHING IN THIS PARAGRAPH TO THE
CONTRARY
29 NOTWITHSTANDING, IN ORDER TO OBTAIN CREDIT FOR PREVIOUS SERVICE,
MEMBERS
30 WHO FIRST JOIN A PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER
APRIL

31 FIRST, TWO THOUSAND TWELVE SHALL PAY SIX PERCENT OF WAGES EARNED
FOR
32 SERVICE WHICH PREDATES THE DATE OF ENTRY INTO THE RETIREMENT
SYSTEM
33 TOGETHER WITH INTEREST AT THE RATE OF FIVE PERCENT PER ANNUM
COMPOUNDED
34 ANNUALLY FROM THE DATE OF SUCH SERVICE UNTIL THE DATE OF PAYMENT.
35 S 56. Section 609 of the retirement and social security law is
amended
36 by adding a new subdivision h to read as follows:
37 H. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
NEW
38 YORK CITY REVISED PLAN MEMBER SHALL NOT RECEIVE SERVICE CREDIT FOR
ANY
39 UNDOCUMENTED SICK LEAVE THAT MAY BE CREDITED TOWARD TERMINAL LEAVE.
40 S 57. Subdivisions a and a-1 of section 612 of the retirement
and
41 social security law, subdivision a as separately amended by section 9
of
42 part B and section 3 of part C of chapter 504 of the laws of 2009
and
43 subdivision a-1 as added by section 4 of part C of chapter 504 of
the
44 laws of 2009, are amended to read as follows:
45 a. Except as provided in subdivision a-1 of this section, a member
who
46 has five or more years of credited service, or ten or more years
of
47 credited service for a member who first joined the New York state
and
48 local employees' retirement system or the New York state
teachers'
49 retirement system on or after January first, two thousand ten,
upon
50 termination of employment, other than a member who is entitled to
a
51 deferred vested benefit pursuant to any other provision of this
article,
52 shall be entitled to a deferred vested benefit at normal retirement
age
53 computed in accordance with the provisions of section six hundred
four
54 of this article. Except as provided in subdivision a-1 of this
section,
55 a member of a teachers' retirement system or the New York state
and
56 local employees' retirement system who has five or more years of
credit-
S. 6735 25 A.
9558

1 ed service, or ten or more years of credited service for a member
who
2 first becomes a member of the New York state and local
employees'
3 retirement system or the New York state teachers' retirement system
on

4 or after January first, two thousand ten, upon termination of
employment
5 shall be entitled to a deferred vested benefit prior to normal
retire-
6 ment age, but no earlier than age fifty-five, computed in
accordance
7 with the provisions of subdivision i of section six hundred three
of
8 this article AS AMENDED BY SECTION EIGHT OF PART B OF CHAPTER
FIVE
9 HUNDRED FOUR OF THE LAWS OF TWO THOUSAND NINE. ANYTHING TO THE
CONTRARY
10 NOTWITHSTANDING, A MEMBER OF A PUBLIC RETIREMENT SYSTEM OF THE STATE
WHO
11 FIRST BECAME A MEMBER OF SUCH SYSTEM ON OR AFTER APRIL FIRST, TWO
THOU-
12 SAND TWELVE MUST HAVE AT LEAST TEN YEARS OF CREDITED SERVICE IN ORDER
TO
13 QUALIFY FOR A DEFERRED VESTED BENEFIT UNDER THIS SECTION; SUCH
MEMBER
14 SHALL NOT BE ENTITLED TO SUCH BENEFIT PRIOR TO THE MEMBER'S
ATTAINMENT
15 OF AGE SIXTY-THREE; AND SUCH DEFERRED VESTED BENEFIT SHALL BE
COMPUTED
16 PURSUANT TO SUBDIVISION B-1 OF SECTION SIX HUNDRED FOUR OF THIS
ARTICLE.
17 a-1. Notwithstanding the provisions of subdivision a of this
section
18 or any other provision of law to the contrary, (i) a member of the
New
19 York city teachers' retirement system who holds a position
represented
20 by the recognized teacher organization for collective
bargaining
21 purposes, who became subject to the provisions of this article after
the
22 effective date of this subdivision, and who has ten or more years
of
23 credited service, or (ii) a member of the New York city board of
educa-
24 tion retirement system who holds a position represented by the
recog-
25 nized teacher organization for collective bargaining purposes,
who
26 became subject to the provisions of this article after the
effective
27 date of this subdivision, and who has ten or more years of
credited
28 service, other than such a member of either of such retirement
systems
29 who is entitled to a deferred vested benefit pursuant to any
other
30 provision of this article, shall, upon termination of employment,
be
31 entitled to a deferred vested benefit at normal retirement age
computed

32 in accordance with the provisions of section six hundred four of
this
33 article. Notwithstanding the provisions of subdivision a of
this
34 section or any other provision of law to the contrary, a member of
the
35 New York city teachers' retirement system who holds a position
repres-
36 ented by the recognized teacher organization for collective
bargaining
37 purposes, who became subject to the provisions of this article after
the
38 effective date of this subdivision, and who has ten or more years
of
39 credited service, shall, upon termination of employment, be entitled
to
40 a deferred vested benefit prior to normal retirement age, but no
earlier
41 than age fifty-five, computed in accordance with the provisions
of
42 subdivision i of section six hundred three of this article,
PROVIDED,
43 HOWEVER, THAT ANY SUCH MEMBER OF EITHER OF SUCH RETIREMENT SYSTEMS
WHO
44 IS A NEW YORK CITY REVISED PLAN MEMBER SHALL BE REQUIRED TO HAVE
AT
45 LEAST TEN YEARS OF CREDITED SERVICE IN ORDER TO BE ELIGIBLE FOR
A
46 DEFERRED VESTED BENEFIT, SUCH MEMBER SHALL NOT BE ENTITLED TO
PAYABILITY
47 OF SUCH BENEFIT PRIOR TO ATTAINMENT OF AGE SIXTY-THREE AND SUCH
DEFERRED
48 VESTED BENEFIT SHALL BE COMPUTED PURSUANT TO SUBDIVISION B-1 OF
SECTION
49 SIX HUNDRED FOUR OF THIS ARTICLE.
50 S 58. Paragraphs 1 and 2 of subdivision a and subdivisions f and g
of
51 section 613 of the retirement and social security law, paragraph 1
of
52 subdivision a as amended and paragraph 2 of subdivision a as added
by
53 chapter 10 of the laws of 2000, subdivisions f and g as added by
section
54 9-a of part B of chapter 504 of the laws of 2009, are amended to read
as
55 follows:
S. 6735 26 A.
9558

1 1. Except as provided by paragraph two of this subdivision,
members
2 shall contribute three percent of annual wages to the retirement
system
3 in which they have membership, EXCEPT THAT BEGINNING APRIL FIRST,
TWO
4 THOUSAND THIRTEEN FOR MEMBERS WHO FIRST BECOME MEMBERS OF A
PUBLIC

5 RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO
THOUSAND
6 TWELVE, THE RATE AT WHICH EACH SUCH MEMBER SHALL CONTRIBUTE IN
ANY
7 CURRENT PLAN YEAR (APRIL FIRST TO MARCH THIRTY-FIRST) SHALL BE
DETER-
8 MINED BY REFERENCE TO THE WAGES OF SUCH MEMBER IN THE SECOND PLAN
YEAR
9 (APRIL FIRST TO MARCH THIRTY-FIRST) PRECEDING SUCH CURRENT PLAN YEAR
AS
10 FOLLOWS:
11 (I) MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM
OR
12 LESS SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;
13 (II) MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER
ANNUM,
14 BUT NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE
THREE
15 AND ONE-HALF PER CENTUM OF ANNUAL WAGES;
16 (III) MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER
ANNUM,
17 BUT NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE
FOUR
18 AND ONE-HALF PER CENTUM OF ANNUAL WAGES;
19 (IV) MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER
ANNUM
20 BUT NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE
FIVE
21 AND THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND
22 (V) MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM
23 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.
24 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
25 YEARS (APRIL FIRST TO MARCH THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS
26 ESTABLISHED MEMBERSHIP IN A PUBLIC RETIREMENT SYSTEM OF THE STATE,
SUCH
27 MEMBER SHALL CONTRIBUTE A PERCENTAGE OF ANNUAL WAGES IN ACCORDANCE
WITH
28 THE PRECEDING SCHEDULE BASED UPON A PROJECTION OF ANNUAL WAGES
PROVIDED
29 BY THE EMPLOYER.
30 The head of each retirement system shall promulgate such
regulations
31 as may be necessary and appropriate with respect to the deduction
of
32 such contribution from members' wages and for the maintenance of
any
33 special fund or funds with respect to amounts so contributed.
34 2. A member of the New York city employees' retirement system who
is
35 eligible to be a participant in the twenty-five-year and age fifty-
five
36 retirement program, as defined by paragraph five of subdivision a
of

37 section six hundred four-b of this article shall contribute two
percent
38 of annual wages to such system effective on the starting date of
the
39 elimination of additional member contributions, as defined in
an
40 election made pursuant to paragraph ten of subdivision e of section
six
41 hundred four-b of this article, EXCEPT THAT BEGINNING APRIL FIRST,
TWO
42 THOUSAND THIRTEEN FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW
YORK
43 CITY EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
THOUSAND
44 TWELVE, THE RATE AT WHICH EACH SUCH MEMBER SHALL CONTRIBUTE IN
ANY
45 CURRENT PLAN YEAR (APRIL FIRST TO MARCH THIRTY-FIRST) SHALL BE
DETER-
46 MINED BY REFERENCE TO THE WAGES OF SUCH MEMBER IN THE SECOND PLAN
YEAR
47 (APRIL FIRST TO MARCH THIRTY-FIRST) PRECEDING SUCH CURRENT PLAN YEAR
AS
48 FOLLOWS:
49 (I) MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM
OR
50 LESS SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;
51 (II) MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER
ANNUM,
52 BUT NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE
THREE
53 AND ONE-HALF PER CENTUM OF ANNUAL WAGES;
54 (III) MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER
ANNUM,
55 BUT NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE
FOUR
56 AND ONE-HALF PER CENTUM OF ANNUAL WAGES;
S. 6735 27 A.
9558

1 (IV) MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER
ANNUM
2 BUT NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE
FIVE
3 AND THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND
4 (V) MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM
5 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.
6 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
7 YEARS (APRIL FIRST TO MARCH THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS
8 ESTABLISHED MEMBERSHIP IN THE NEW YORK CITY EMPLOYEES'
RETIREMENT
9 SYSTEM, SUCH MEMBER SHALL CONTRIBUTE A PERCENTAGE OF ANNUAL WAGES
IN
10 ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A PROJECTION OF
ANNUAL

11 WAGES PROVIDED BY THE EMPLOYER.
12 f. Anything in subdivision a of this section to the contrary
notwith-
13 standing a member employed as a uniformed court officer or peace
officer
14 in the unified court system who first joins the New York state and
local
15 employees' retirement system on or after January first, two thousand
ten
16 shall contribute four percent of annual wages to the New York state
and
17 local employees' retirement system , EXCEPT THAT BEGINNING APRIL
FIRST,
18 TWO THOUSAND THIRTEEN FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE
NEW
19 YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM ON OR AFTER
APRIL
20 FIRST, TWO THOUSAND TWELVE, THE RATE AT WHICH EACH SUCH MEMBER
SHALL
21 CONTRIBUTE IN ANY CURRENT PLAN YEAR (APRIL FIRST TO MARCH THIRTY-
FIRST)
22 SHALL BE DETERMINED BY REFERENCE TO THE WAGES OF SUCH MEMBER IN
THE
23 SECOND PLAN YEAR (APRIL FIRST TO MARCH THIRTY-FIRST) PRECEDING
SUCH
24 CURRENT PLAN YEAR AS FOLLOWS:
25 1. MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM OR
LESS
26 SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;
27 2. MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER ANNUM,
BUT
28 NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE THREE
AND
29 ONE-HALF PER CENTUM OF ANNUAL WAGES;
30 3. MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER ANNUM,
BUT
31 NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE FOUR
AND
32 ONE-HALF PER CENTUM OF ANNUAL WAGES;
33 4. MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER ANNUM
BUT
34 NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE FIVE
AND
35 THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND
36 5. MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM
37 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.
38 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
39 YEARS (APRIL FIRST TO MARCH THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS
40 ESTABLISHED MEMBERSHIP IN THE NEW YORK STATE AND LOCAL
EMPLOYEES'
41 RETIREMENT SYSTEM, SUCH MEMBER SHALL CONTRIBUTE A PERCENTAGE OF
ANNUAL
42 WAGES IN ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A
PROJECTION

43 OF ANNUAL WAGES PROVIDED BY THE EMPLOYER.
44 The head of the New York state and local employees' retirement
system
45 shall promulgate such regulations as may be necessary and
appropriate
46 with respect to the deduction of such contribution from members'
wages
47 and for the maintenance of any special fund or funds with respect
to
48 amounts so contributed.
49 g. Members who first join the New York state teachers'
retirement
50 system on or after January first, two thousand ten shall
contribute
51 three and one-half percent of annual wages to the New York state
teach-
52 ers' retirement system, EXCEPT THAT BEGINNING APRIL FIRST, TWO
THOUSAND
53 THIRTEEN FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK
STATE
54 TEACHERS' RETIREMENT SYSTEM ON OR AFTER APRIL FIRST, TWO
THOUSAND
55 TWELVE, THE RATE AT WHICH EACH SUCH MEMBER SHALL CONTRIBUTE IN
ANY
56 CURRENT PLAN YEAR (JULY FIRST TO JUNE THIRTIETH) SHALL BE DETERMINED
BY
S. 6735 28 A.
9558

1 REFERENCE TO THE WAGES OF SUCH MEMBER IN THE SECOND PLAN YEAR
(JULY
2 FIRST TO JUNE THIRTIETH) PRECEDING SUCH CURRENT PLAN YEAR AS FOLLOWS:
3 1. MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM OR
LESS
4 SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;
5 2. MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER ANNUM,
BUT
6 NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE THREE
AND
7 ONE-HALF PER CENTUM OF ANNUAL WAGES;
8 3. MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER ANNUM,
BUT
9 NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE FOUR
AND
10 ONE-HALF PER CENTUM OF ANNUAL WAGES;
11 4. MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER ANNUM
BUT
12 NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE FIVE
AND
13 THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND
14 5. MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM
15 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.
16 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
17 YEARS (JULY FIRST TO JUNE THIRTIETH) IN WHICH SUCH MEMBER HAS
ESTAB-

18 LISHED MEMBERSHIP IN THE NEW YORK STATE TEACHERS' RETIREMENT
SYSTEM,
19 SUCH MEMBER SHALL CONTRIBUTE A PERCENTAGE OF ANNUAL WAGES IN
ACCORDANCE
20 WITH THE PRECEDING SCHEDULE BASED UPON A PROJECTION OF ANNUAL
WAGES
21 PROVIDED BY THE EMPLOYER.
22 The head of the New York state teachers' retirement system
shall
23 promulgate such regulations as may be necessary and appropriate
with
24 respect to the deduction of such contribution from members' wages
and
25 for the maintenance of any special fund or funds with respect to
amounts
26 so contributed.
27 S 59. Intentionally omitted.
28 S 60. Section 650 of the retirement and social security law,
as
29 amended by chapter 746 of the laws of 1989, is amended to read
as
30 follows:
31 S 650. Application. This article shall apply to a member of the
New
32 York city employees' retirement system (i) who holds the position
of
33 bridge and tunnel officer, sergeant or lieutenant with the
Triborough
34 bridge and tunnel authority, and has received or receives an
appointment
35 to at least one such position from a competitive civil service list;
or
36 (ii) who holds the position of assistant bridge and tunnel
maintainer,
37 bridge and tunnel maintainer, senior bridge and tunnel maintainer
or
38 laborer with the Triborough bridge and tunnel authority,
PROVIDED,
39 HOWEVER, THAT THIS ARTICLE SHALL NOT APPLY TO A NEW YORK CITY
REVISED
40 PLAN MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE
OF
41 THIS CHAPTER).
42 S 61. Paragraphs 1 and 1-a of subdivision b of section 911 of
the
43 retirement and social security law, paragraph 1 as amended by section
5
44 and paragraph 1-a as added by section 6 of part C of chapter 504 of
the
45 laws of 2009, are amended to read as follows:
46 1. Subject to the provisions of paragraph one-a of this
subdivision,
47 AND EXCEPT AS PROVIDED IN PARAGRAPH ONE-B OF THIS SUBDIVISION, an
eligi-
48 ble member (i) with a date of membership in a retirement system on
or

49 after July twenty-seventh, nineteen hundred seventy-six and (ii) who
has
50 ten or more years of membership or ten or more years of credited
service
51 with a retirement system under the provisions of article fourteen
or
52 fifteen of this chapter shall not be required to contribute to a
retire-
53 ment system pursuant to section five hundred seventeen or six
hundred
54 thirteen of this chapter as of the cessation date.

55 1-a. Notwithstanding the provisions of paragraph one of this
subdivi-
56 sion or any other provision of law to the contrary, AND EXCEPT
AS
S. 6735 29 A.
9558

1 PROVIDED IN PARAGRAPH ONE-B OF THIS SUBDIVISION, a member of the
New
2 York city teachers' retirement system or the New York city board
of
3 education retirement system:

4 (i) who is a twenty-seven year participant in the age fifty-
five
5 retirement program (as defined in paragraph twelve of subdivision a
of
6 section six hundred four-i of this chapter), and
7 (ii) who becomes subject to the provisions of article fifteen of
this
8 chapter after the effective date of this paragraph, shall contribute
to
9 a retirement system pursuant to section six hundred thirteen of
this
10 chapter until he or she has completed twenty-seven years of
credited
11 service.

12 S 62. Subdivision b of section 911 of the retirement and social
secu-
13 rity law is amended by adding a new paragraph 1-b to read as follows:

14 1-B. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO A NEW
YORK
15 CITY UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER (AS DEFINED
IN
16 SUBDIVISION TWENTY-FIVE OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER),
AN
17 INVESTIGATOR REVISED PLAN MEMBER (AS DEFINED IN SUBDIVISION TWENTY-
SEVEN
18 OF SECTION FIVE HUNDRED ONE OF THIS CHAPTER) OR A NEW YORK CITY
REVISED
19 PLAN MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE
OF
20 THIS CHAPTER).

21 S 63. Section 1000 of the retirement and social security law
is
22 amended by adding a new subdivision 10 to read as follows:

23 10. ANYTHING TO THE CONTRARY IN SUBDIVISION FOUR OF THIS
SECTION
24 NOTWITHSTANDING, TO OBTAIN SUCH CREDIT, A MEMBER WHO FIRST JOINS
A
25 PUBLIC RETIREMENT SYSTEM OF THE STATE ON OR AFTER APRIL FIRST, TWO
THOU-
26 SAND TWELVE SHALL PAY SUCH RETIREMENT SYSTEM, FOR DEPOSIT IN THE
FUND
27 USED TO ACCUMULATE EMPLOYER CONTRIBUTIONS, A SUM EQUAL TO THE PRODUCT
OF
28 THE NUMBER OF YEARS OF MILITARY SERVICE BEING CLAIMED AND SIX PERCENT
OF
29 SUCH MEMBER'S COMPENSATION EARNED DURING THE TWELVE MONTHS OF
CREDITED
30 SERVICE IMMEDIATELY PRECEDING THE DATE THAT THE MEMBER MADE
APPLICATION
31 FOR CREDIT PURSUANT TO THIS SECTION.
32 S 64. Section 1202 of the retirement and social security law
is
33 amended by adding a new subdivision c to read as follows:
34 C. IN NO EVENT SHALL THE VESTED RETIREMENT ALLOWANCE PAYABLE
WITHOUT
35 OPTIONAL MODIFICATION BE LESS THAN THE ACTUARIAL EQUIVALENT OF THE
TOTAL
36 WHICH RESULTS FROM THE MEMBER'S CONTRIBUTIONS ACCUMULATED WITH
INTEREST
37 AT FIVE PERCENT PER ANNUM COMPOUNDED ANNUALLY TO THE DATE OF
RETIREMENT.
38 S 65. Section 1204 of the retirement and social security law, as
added
39 by section 1 of part A of chapter 504 of the laws of 2009, is amended
to
40 read as follows:
41 S 1204. Member contributions. Members who are subject to
the
42 provisions of this article shall contribute three percent of
annual
43 wages to the retirement system in which they have membership,
EXCEPT
44 THAT BEGINNING APRIL FIRST, TWO THOUSAND THIRTEEN FOR MEMBERS WHO
FIRST
45 BECOME MEMBERS OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE
RETIRE-
46 MENT SYSTEM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE, THE RATE
AT
47 WHICH EACH SUCH MEMBER SHALL CONTRIBUTE IN ANY CURRENT PLAN YEAR
(APRIL
48 FIRST TO MARCH THIRTY-FIRST) SHALL BE DETERMINED BY REFERENCE TO
THE
49 WAGES OF SUCH MEMBER IN THE SECOND PLAN YEAR (APRIL FIRST TO MARCH
THIR-
50 TY-FIRST) PRECEDING SUCH CURRENT PLAN YEAR AS FOLLOWS:
51 A. MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM OR
LESS
52 SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;
53 B. MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER ANNUM,
BUT

54 NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE THREE
AND
55 ONE-HALF PER CENTUM OF ANNUAL WAGES;
S. 6735 30 A.
9558

1 C. MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER ANNUM,
BUT
2 NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE FOUR
AND
3 ONE-HALF PER CENTUM OF ANNUAL WAGES;

4 D. MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER ANNUM
BUT
5 NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE FIVE
AND
6 THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND

7 E. MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM
8 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.

9 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
10 YEARS (APRIL FIRST TO MARCH THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS

11 ESTABLISHED MEMBERSHIP IN THE NEW YORK STATE AND LOCAL POLICE AND
FIRE
12 RETIREMENT SYSTEM, SUCH MEMBER SHALL CONTRIBUTE A PERCENTAGE OF
ANNUAL

13 WAGES IN ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A
PROJECTION

14 OF ANNUAL WAGES PROVIDED BY THE EMPLOYER. EFFECTIVE APRIL FIRST,
TWO

15 THOUSAND TWELVE, ALL MEMBERS SUBJECT TO THE PROVISIONS OF THIS
ARTICLE

16 SHALL NOT BE REQUIRED TO MAKE MEMBER CONTRIBUTIONS ON ANNUAL
WAGES

17 EXCLUDED FROM THE CALCULATION OF FINAL AVERAGE SALARY PURSUANT
TO

18 SECTION 1203 OF THIS ARTICLE. NOTHING IN THIS SECTION, HOWEVER, SHALL
BE

19 CONSTRUED OR DEEMED TO ALLOW MEMBERS TO RECEIVE A REFUND OF ANY
MEMBER

20 CONTRIBUTIONS ON SUCH WAGES PAID PRIOR TO APRIL FIRST, TWO
THOUSAND

21 TWELVE.

22 Members who are enrolled in a retirement plan that limits the
amount

23 of creditable service a member can accrue shall not be required to
make

24 contributions pursuant to this section after accruing the maximum
amount

25 of service credit allowed by the retirement plan in which they
are

26 enrolled. The state comptroller shall promulgate such regulations as
may

27 be necessary and appropriate with respect to the deduction of
such

28 contribution from members' wages and for the maintenance of any
special
29 fund or funds with respect to amounts so contributed. In no way
shall
30 the member contributions made pursuant to this section be used
to
31 provide for pension increases or annuities of any kind.
32 S 66. Intentionally omitted.
33 S 67. The retirement and social security law is amended by adding
a
34 new section 1209 to read as follows:
35 S 1209. FINAL AVERAGE SALARY. FOR MEMBERS WHO FIRST BECOME MEMBERS
OF
36 THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON
OR
37 AFTER APRIL FIRST, TWO THOUSAND TWELVE, A MEMBER'S FINAL AVERAGE
SALARY
38 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED BY
SUCH
39 MEMBER DURING ANY CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE
MEMBER
40 WAS CREDITED WITH FIVE YEARS OF SERVICE CREDIT; PROVIDED, HOWEVER,
IF
41 THE WAGES EARNED DURING ANY YEAR OF CREDITED SERVICE INCLUDED IN
THE
42 PERIOD USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF
THE
43 WAGES OF THE PREVIOUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN
TEN
44 PERCENT, THE AMOUNT IN EXCESS OF TEN PERCENT SHALL BE EXCLUDED FROM
THE
45 COMPUTATION OF FINAL AVERAGE SALARY. WAGES IN EXCESS OF THE ANNUAL
SALA-
46 RY PAID TO THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE FOUR OF
THE
47 STATE CONSTITUTION SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL
AVER-
48 AGE SALARY FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW YORK
STATE
49 AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER APRIL FIRST,
TWO
50 THOUSAND TWELVE.
51 S 68. The retirement and social security law is amended by adding
a
52 new section 1210 to read as follows:
53 S 1210. WAGES. FOR MEMBERS WHO FIRST BECOME MEMBERS OF THE NEW
YORK
54 STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON OR AFTER
APRIL
55 FIRST, TWO THOUSAND TWELVE, THE FOLLOWING ITEMS SHALL NOT BE INCLUDED
IN
56 THE DEFINITION OF WAGES: A. WAGES IN EXCESS OF THE ANNUAL SALARY
PAID

1 TO THE GOVERNOR PURSUANT TO SECTION THREE OF ARTICLE FOUR OF THE
STATE
2 CONSTITUTION, B. LUMP SUM PAYMENTS FOR DEFERRED COMPENSATION,
SICK
3 LEAVE, ACCUMULATED VACATION OR OTHER CREDITS FOR TIME NOT WORKED, C.
ANY
4 FORM OF TERMINATION PAY, D. ANY ADDITIONAL COMPENSATION PAID IN
ANTIC-
5 IPATION OF RETIREMENT, AND E. IN THE CASE OF EMPLOYEES WHO RECEIVE
WAGES
6 FROM THREE OR MORE EMPLOYERS IN A TWELVE MONTH PERIOD, THE WAGES PAID
BY
7 THE THIRD AND EACH SUCCESSIVE EMPLOYER.
8 S 69. Intentionally omitted.
9 S 70. Intentionally omitted.
10 S 71. Intentionally omitted.
11 S 72. Subdivision 2 of section 182 of the education law, as added
by
12 chapter 1076 of the laws of 1968, is amended to read as follows:
13 2. Employee contributions. In the case of any electing
employee,
14 contributions at the rate of three [percentum] PER CENTUM of his
state
15 salary shall be deducted by the state comptroller as the
employee
16 contribution, provided however, that such employee contribution shall
be
17 made by the state in accordance with subdivision one of this
section
18 during such period as (a) either section seventy-a of the retirement
and
19 social security law or section five hundred twenty-eight of [the
educa-
20 tion law] THIS TITLE provides that the contribution of each member
of
21 the New York state employees' retirement system or the New York
state
22 teachers' retirement system in the employ of the state shall be
reduced
23 by at least eight [percentum] PER CENTUM of his compensation, or
(b)
24 employee contributions to either such system are no longer required
by
25 reason of such system becoming noncontributory for state employees.
26 NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, BEGINNING APRIL
FIRST,
27 TWO THOUSAND THIRTEEN ANY ELECTING EMPLOYEE APPOINTED ON OR AFTER
APRIL
28 FIRST, TWO THOUSAND TWELVE, THE RATE AT WHICH EACH SUCH EMPLOYEE
SHALL
29 CONTRIBUTE IN ANY CURRENT PLAN YEAR (JANUARY FIRST TO
DECEMBER
30 THIRTY-FIRST) SHALL BE DETERMINED BY REFERENCE TO THE WAGES OF
SUCH
31 MEMBER IN THE SECOND PLAN YEAR (JANUARY FIRST TO DECEMBER THIRTY-
FIRST)
32 PRECEDING SUCH CURRENT PLAN YEAR AS FOLLOWS:

33 (A) MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM
OR
34 LESS SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;
35 (B) MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER ANNUM,
BUT
36 NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE THREE
AND
37 ONE-HALF PER CENTUM OF ANNUAL WAGES;
38 (C) MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER ANNUM,
BUT
39 NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE FOUR
AND
40 ONE-HALF PER CENTUM OF ANNUAL WAGES;
41 (D) MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER
ANNUM
42 BUT NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE
FIVE
43 AND THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND
44 (E) MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM
45 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.
46 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
47 YEARS (JANUARY FIRST TO DECEMBER THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS
48 ESTABLISHED MEMBERSHIP IN THE EDUCATION DEPARTMENT OPTIONAL
RETIREMENT
49 PROGRAM, SUCH EMPLOYEE SHALL CONTRIBUTE A PERCENT OF ANNUAL WAGES
IN
50 ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A PROJECTION OF
ANNUAL
51 WAGES PROVIDED BY THE EMPLOYER.
52 S 72-a. Section 390 of the education law is amended by adding two
new
53 subdivisions 3-a and 8-a to read as follows:
54 3-A. BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN, THE TERM
"ELIGIBLE
55 EMPLOYEES" SHALL ALSO MEAN ANY PERSON EXCLUDED FROM OR NOT
ENCOMPASSED
56 WITHIN A NEGOTIATING UNIT WITHIN THE MEANING OF ARTICLE FOURTEEN OF
THE
S. 6735 32 A.
9558

1 CIVIL SERVICE LAW WHO WOULD OTHERWISE BE ENTITLED TO RECEIVE A
BENEFIT
2 UNDER THE RETIREMENT AND SOCIAL SECURITY LAW OR THE EDUCATION
LAW
3 INITIALLY HIRED ON OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN WITH
ESTI-
4 MATED ANNUAL WAGES OF SEVENTY-FIVE THOUSAND PER ANNUM OR GREATER.
SUCH
5 ESTIMATE OF ANNUAL WAGES TO DETERMINE ELIGIBILITY FOR THE PURPOSES
OF
6 THIS SUBDIVISION SHALL BE PROVIDED BY THE EMPLOYER. FOR THE PURPOSES
OF

7 THIS SUBDIVISION, A NEWLY HIRED STATE EMPLOYEE WHOSE IMMEDIATE
PRECEDING
8 EMPLOYMENT WAS WITH ANOTHER DEPARTMENT, DIVISION, OR AGENCY OF THE
STATE
9 SHALL NOT BE DEEMED TO BE AN ELIGIBLE EMPLOYEE.
10 8-A. BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN, THE TERM
"ELECTING
11 EMPLOYER" SHALL ALSO MEAN ANY PUBLIC EMPLOYER WITHIN THE STATE OF
NEW
12 YORK THAT EMPLOYS ONE OR MORE EMPLOYEES WHO HAVE ELECTED TO
PARTICIPATE
13 IN THE OPTIONAL RETIREMENT PROGRAM ESTABLISHED PURSUANT TO THIS
ARTICLE.
14 S 72-b. Section 392 of the education law is amended by adding a
new
15 subdivision 1-a to read as follows:
16 1-A. EMPLOYER CONTRIBUTIONS. IN THE CASE OF ANY ELECTING
EMPLOYEE
17 EXCLUDED FROM OR NOT ENCOMPASSED WITHIN A NEGOTIATING UNIT WITHIN
THE
18 MEANING OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW INITIALLY HIRED
ON
19 OR AFTER JULY FIRST, TWO THOUSAND THIRTEEN, THE STATE AND THE
ELECTING
20 EMPLOYER SHALL, DURING THE CONTINUANCE OF HIS OR HER EMPLOYMENT,
MAKE
21 CONTRIBUTIONS AT THE RATE OF EIGHT PER CENTUM OF HIS OR HER SALARY.
22 S 73. Paragraph (c) of subdivision 2 of section 392 of the
education
23 law, as added by chapter 617 of the laws of 2007, is amended and a
new
24 paragraph (d) is added to read as follows:
25 (c) Notwithstanding any other provision of this section or any
other
26 law to the contrary, (1) on and after April first, two thousand
eight
27 for a member who joined the optional retirement program
established
28 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and
who
29 has ten or more years of membership in such optional retirement
program,
30 the state shall contribute one-third of the three percent
employee
31 contribution required pursuant to the provisions of this section
on
32 behalf of such employee; and (2) on and after April first, two
thousand
33 nine for a member who joined the optional retirement program
established
34 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and
who
35 has ten or more years of membership in such optional retirement
program,
36 the state shall contribute two-thirds of the three percent
employee

37 contribution required pursuant to the provisions of this section
on

38 behalf of such employee; and (3) on and after April first, two
thousand

39 ten for a member who joined the optional retirement program
established

40 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and
who

41 has ten or more years of membership in such optional retirement
program,

42 the state shall contribute the three percent employee
contribution

43 required pursuant to the provisions of this section on behalf of
such

44 employee. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO
ANY

45 ELECTING EMPLOYEE WHO BECOMES A MEMBER OF THE OPTIONAL
RETIREMENT

46 PROGRAM ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

47 (D) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, BEGINNING
APRIL

48 FIRST, TWO THOUSAND THIRTEEN ANY ELECTING EMPLOYEE APPOINTED ON OR
AFTER

49 APRIL FIRST, TWO THOUSAND TWELVE, THE RATE AT WHICH EACH SUCH
EMPLOYEE

50 SHALL CONTRIBUTE IN ANY CURRENT PLAN YEAR (JANUARY FIRST TO
DECEMBER

51 THIRTY-FIRST) SHALL BE DETERMINED BY REFERENCE TO THE WAGES OF
SUCH

52 MEMBER IN THE SECOND PLAN YEAR (JANUARY FIRST TO DECEMBER THIRTY-
FIRST)

53 PRECEDING SUCH CURRENT PLAN YEAR AS FOLLOWS:

54 (I) MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM
OR

55 LESS SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;

S. 6735

33

A.

9558

1 (II) MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER
ANNUM,

2 BUT NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE
THREE

3 AND ONE-HALF PER CENTUM OF ANNUAL WAGES;

4 (III) MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER
ANNUM,

5 BUT NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE
FOUR

6 AND ONE-HALF PER CENTUM OF ANNUAL WAGES;

7 (IV) MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER
ANNUM

8 BUT NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE
FIVE

9 AND THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND

10 (V) MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM

11 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.

12 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN
13 YEARS (JANUARY FIRST TO DECEMBER THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS
14 ESTABLISHED MEMBERSHIP IN THE STATE UNIVERSITY OPTIONAL
RETIREMENT
15 PROGRAM, SUCH EMPLOYEE SHALL CONTRIBUTE A PERCENT OF ANNUAL WAGES
IN
16 ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A PROJECTION OF
ANNUAL
17 WAGES PROVIDED BY THE EMPLOYER.
18 S 74. Paragraph (c) of subdivision 2 of section 6252 of the
education
19 law, as added by chapter 617 of the laws of 2007, is amended and a
new
20 paragraph (d) is added to read as follows:
21 (c) Notwithstanding any other provision of this section or any
other
22 law to the contrary, (1) on and after April first, two thousand
eight
23 for a member who joined the optional retirement program
established
24 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and
who
25 has ten or more years of membership in such optional retirement
program,
26 the city shall contribute one-third of the three percent
employee
27 contribution required pursuant to the provisions of this section
on
28 behalf of such employee; and (2) on and after April first, two
thousand
29 nine for a member who joined the optional retirement program
established
30 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and
who
31 has ten or more years of membership in such optional retirement
program,
32 the city shall contribute two-thirds of the three percent
employee
33 contribution required pursuant to the provisions of this section
on
34 behalf of such employee; and (3) on and after April first, two
thousand
35 ten for a member who joined the optional retirement program
established
36 pursuant to this article BEFORE APRIL FIRST, TWO THOUSAND TWELVE and
who
37 has ten or more years of membership in such optional retirement
program,
38 the city shall contribute the three percent employee
contribution
39 required pursuant to the provisions of this section on behalf of
such
40 employee. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO ANY
ELECT-

41 ING EMPLOYEE WHO BECOMES A MEMBER OF THE OPTIONAL RETIREMENT PROGRAM
ON

42 OR AFTER APRIL FIRST, TWO THOUSAND TWELVE.

43 (D) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, BEGINNING
APRIL

44 FIRST, TWO THOUSAND THIRTEEN ANY ELECTING EMPLOYEE APPOINTED ON OR
AFTER

45 APRIL FIRST, TWO THOUSAND TWELVE, THE RATE AT WHICH EACH SUCH
EMPLOYEE

46 SHALL CONTRIBUTE IN ANY CURRENT PLAN YEAR (JANUARY FIRST TO
DECEMBER

47 THIRTY-FIRST) SHALL BE DETERMINED BY REFERENCE TO THE WAGES OF
SUCH

48 MEMBER IN THE SECOND PLAN YEAR (JANUARY FIRST TO DECEMBER THIRTY-
FIRST)

49 PRECEDING SUCH CURRENT PLAN YEAR AS FOLLOWS:

50 (1) MEMBERS WITH WAGES OF FORTY-FIVE THOUSAND DOLLARS PER ANNUM
OR

51 LESS SHALL CONTRIBUTE THREE PER CENTUM OF ANNUAL WAGES;

52 (2) MEMBERS WITH WAGES GREATER THAN FORTY-FIVE THOUSAND PER ANNUM,
BUT

53 NOT MORE THAN FIFTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE THREE
AND

54 ONE-HALF PER CENTUM OF ANNUAL WAGES;

S. 6735

34

A.

9558

1 (3) MEMBERS WITH WAGES GREATER THAN FIFTY-FIVE THOUSAND PER ANNUM,
BUT

2 NOT MORE THAN SEVENTY-FIVE THOUSAND PER ANNUM SHALL CONTRIBUTE FOUR
AND

3 ONE-HALF PER CENTUM OF ANNUAL WAGES;

4 (4) MEMBERS WITH WAGES GREATER THAN SEVENTY-FIVE THOUSAND PER
ANNUM

5 BUT NOT MORE THAN ONE HUNDRED THOUSAND PER ANNUM SHALL CONTRIBUTE
FIVE

6 AND THREE-QUARTERS PER CENTUM OF ANNUAL WAGES; AND

7 (5) MEMBERS WITH WAGES GREATER THAN ONE HUNDRED THOUSAND PER
ANNUM

8 SHALL CONTRIBUTE SIX PER CENTUM OF ANNUAL WAGES.

9 NOTWITHSTANDING THE FOREGOING, DURING EACH OF THE FIRST THREE
PLAN

10 YEARS (JANUARY FIRST TO DECEMBER THIRTY-FIRST) IN WHICH SUCH MEMBER
HAS

11 ESTABLISHED MEMBERSHIP IN THE BOARD OF HIGHER EDUCATION OPTIONAL
RETIRE-

12 MENT PROGRAM, SUCH EMPLOYEE SHALL CONTRIBUTE A PERCENT OF ANNUAL
WAGES

13 IN ACCORDANCE WITH THE PRECEDING SCHEDULE BASED UPON A PROJECTION
OF

14 ANNUAL WAGES PROVIDED BY THE EMPLOYER.

15 S 75. Paragraphs (b) and (c) of subdivision 86 of section 13-101
of

16 the administrative code of the city of New York, as added by chapter
114

17 of the laws of 1989, are amended to read as follows:

18 (b) In the case of a uniformed force member who is a member of
the
19 uniformed force of the department of sanitation and is not a TIER
III
20 MEMBER (AS DEFINED IN SUBDIVISION SEVENTY-THREE OF THIS SECTION) OR
A
21 Tier IV member (as defined in subdivision seventy-six of this
section),
22 the term "normal rate of contribution as a uniformed force member"
shall
23 mean the proportion of such member's earnable compensation required
to
24 be deducted from his or her compensation by the applicable provisions
of
25 sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or
her
26 member contributions, exclusive of any increase in such
contributions
27 pursuant to subdivision d, e, or f of section 13-125 of this chapter,
or
28 any decrease in such contributions on account of any program
for
29 increased-take-home-pay or pursuant to subdivision one of section
one
30 hundred thirty-eight-b of the retirement and social security law
(relat-
31 ing to election to decrease member contributions by contributions due
on
32 account of social security coverage).
33 (c) In the case of any uniformed force member (1) who is both a
member
34 of the uniformed correction force and a Tier III member, OR (2) WHO
IS
35 BOTH A MEMBER OF THE UNIFORMED FORCE OF THE DEPARTMENT OF SANITATION
AND
36 A TIER III MEMBER, the term "normal rate of contribution as a
uniformed
37 force member" shall mean the percentage of the annual wages of
such
38 member required to be deducted from such member's wages by subdivision
a
39 of section five hundred seventeen of the retirement and social
security
40 law, as his or her member contributions.
41 S 76. Paragraph (b) of subdivision 87 of section 13-101 of the
admin-
42 istrative code of the city of New York, as added by chapter 114 of
the
43 laws of 1989, is amended to read as follows:
44 (b) a uniformed force member who is not required to contribute
during
45 such payroll period because he or she is a Tier III member who,
having
46 contributed for thirty years, OR WHO, IN THE CASE OF A NEW YORK
CITY
47 UNIFORMED CORRECTION/SANITATION REVISED PLAN MEMBER (AS DEFINED
IN

48 SUBDIVISION TWENTY-FIVE OF SECTION FIVE HUNDRED ONE OF THE
RETIREMENT
49 AND SOCIAL SECURITY LAW), HAVING CONTRIBUTED FOR TWENTY-FIVE YEARS,
has
50 discontinued member contributions pursuant to subdivision a of
section
51 five hundred seventeen of the retirement and social security law.
52 S 77. Paragraph (c) of subdivision 89 of section 13-101 of the
admin-
53 istrative code of the city of New York, as added by chapter 114 of
the
54 laws of 1989, is amended to read as follows:
55 (c) In the case of any contributing uniformed force member who is
both
56 (1) a member of the uniformed correction force (as defined in
subdivi-
S. 6735 35 A.
9558

1 sion thirty-nine of this section) OR THE UNIFORMED FORCE OF THE
DEPART-
2 MENT OF SANITATION (AS DEFINED IN SUBDIVISION SIXTY-TWO OF THIS
SECTION)
3 and (2) a Tier III member (as defined in subdivision seventy-three
of
4 this section), the term "uniformed force member contributions
eligible
5 for pick up by the employer" shall mean the amount which, in the
absence
6 of a pick up program applicable to such member pursuant to
section
7 13-125.1 of this chapter, would be required to be deducted from
the
8 wages of such member for such payroll period pursuant to subdivision
a
9 of section five hundred seventeen of the retirement and social
security
10 law as his or her required member contributions for such payroll
period.
11 S 78. Paragraph 14 of subdivision e of section 13-638.4 of the
admin-
12 istrative code of the city of New York, as added by chapter 749 of
the
13 laws of 1992, is amended to read as follows:
14 (14) (I) Subject to the provisions of subdivision f of this
section
15 and the provisions of subdivision c of section six hundred eight of
the
16 RSSL, where those provisions are applicable, and notwithstanding
the
17 provisions of subdivision a of section six hundred eight of the
RSSL,
18 for a tier IV member of NYCERS WHO IS NOT A NEW YORK CITY REVISED
PLAN
19 MEMBER (AS DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF
THE

20 RSSL) or FOR A TIER IV MEMBER OF BERS WHO IS NOT A NEW YORK CITY
REVISED
21 PLAN MEMBER, the term "final average salary", as used in article
fifteen
22 of the RSSL, shall be equal to the greater of:
23 [(i)] (A) one-third of the highest total wages earned by such
member
24 during any continuous period of employment for which the member
was
25 credited with three years of service credit; provided that if the
wages
26 earned during any year of credited service included in the period
used
27 to determine final average salary exceeds the average of the wages
of
28 the previous two years of credited service by more than ten percent,
the
29 amount in excess of ten percent shall be excluded from the
computation
30 of final average salary; or
31 [(ii)] (B) the total wages earned during any six consecutive
years
32 from service for which the member received service credit divided by
the
33 amount of such service credit earned during that six-year
period,
34 PROVIDED, HOWEVER, THAT "WAGES", AS USED IN THIS PARAGRAPH, SHALL
MEAN
35 THE APPLICABLE PROVISIONS AND LIMITATIONS OF THE TERM "WAGES",
AS
36 DEFINED IN SUBDIVISION 1 OF SECTION SIX HUNDRED ONE OF THE RSSL.
37 (II) SUBJECT TO THE PROVISIONS OF SUBDIVISION F OF THIS SECTION
WHERE
38 THOSE PROVISIONS ARE APPLICABLE, AND NOTWITHSTANDING THE PROVISIONS
OF
39 SUBDIVISIONS A AND C OF SECTION SIX HUNDRED EIGHT OF THE RSSL, FOR
A
40 TIER IV MEMBER OF NYCERS WHO IS A NEW YORK CITY REVISED PLAN MEMBER
(AS
41 DEFINED IN SUBDIVISION M OF SECTION SIX HUNDRED ONE OF THE RSSL) OR
A
42 TIER IV MEMBER OF BERS WHO IS A NEW YORK CITY REVISED PLAN MEMBER,
THE
43 TERM "FINAL AVERAGE SALARY", AS USED IN ARTICLE FIFTEEN OF THE
RSSL,
44 SHALL BE EQUAL TO ONE-FIFTH OF THE HIGHEST TOTAL WAGES EARNED BY
SUCH
45 MEMBER DURING ANY CONTINUOUS PERIOD OF EMPLOYMENT FOR WHICH THE
MEMBER
46 WAS CREDITED WITH FIVE YEARS OF SERVICE CREDIT; PROVIDED THAT IF
THE
47 WAGES EARNED DURING ANY YEAR OF CREDITED SERVICE INCLUDED IN THE
PERIOD
48 USED TO DETERMINE FINAL AVERAGE SALARY EXCEEDS THE AVERAGE OF THE
WAGES
49 OF THE PREVIOUS FOUR YEARS OF CREDITED SERVICE BY MORE THAN TEN
PERCENT,

50 THE AMOUNT IN EXCESS OF TEN PERCENT SHALL BE EXCLUDED FROM THE
COMPUTA-
51 TION OF FINAL AVERAGE SALARY, PROVIDED FURTHER THAT "WAGES", AS USED
IN
52 THIS PARAGRAPH, SHALL MEAN THE APPLICABLE PROVISIONS AND LIMITATIONS
OF
53 THE TERM "WAGES", AS DEFINED IN SUBDIVISION L OF SECTION SIX HUNDRED
ONE
54 OF THE RSSL.
55 S 78-a. Section 63-c of the executive law is amended by adding a
new
56 subdivision 5 to read as follows:
S. 6735 36 A.
9558

1 5. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, INCLUDING
WITHOUT
2 LIMITATION; SECTION SIXTY-FOUR OF THIS ARTICLE; THE EDUCATION LAW;
THE
3 RETIREMENT AND SOCIAL SECURITY LAW AND THE ADMINISTRATIVE CODE OF
THE
4 CITY OF NEW YORK, THE PORTION OF ALL MONEY RECEIVED BY THE
ATTORNEY
5 GENERAL IN CONNECTION WITH THE SETTLEMENT OF AN ACTION ARISING OUT
OF
6 THE MANAGEMENT, OPERATION, INVESTMENTS OF OR OTHERWISE IN
CONNECTION
7 WITH A RETIREMENT OR OTHER FUND ESTABLISHED PURSUANT TO THE
EDUCATION
8 LAW, THE RETIREMENT AND SOCIAL SECURITY LAW OR THE ADMINISTRATIVE
CODE
9 OF THE CITY OF NEW YORK ATTRIBUTABLE TO THE HARM SUFFERED BY SUCH
FUND
10 SHALL BE DEPOSITED INTO SUCH FUND.
11 S 79. Nothing contained in sections seventy-five, seventy-six
and
12 seventy-seven of this act shall be construed to create any
contractual
13 right with respect to members to whom such sections apply.
The
14 provisions of such sections are intended to afford members the
advan-
15 tages of certain benefits contained in the internal revenue code,
and
16 the effectiveness and existence of such sections and benefits
they
17 confer are completely contingent thereon.
18 S 80. Notwithstanding any provision of law to the contrary, nothing
in
19 this act shall limit the rights accruing to employees pursuant to
a
20 collective bargaining agreement for the unexpired term of such
agreement
21 or the eligibility of any member of an employee organization to join
a
22 special retirement plan open to him or her pursuant to a
collectively

23 negotiated agreement with any state or local government employer,
where
24 such agreement is in effect on the effective date of this act and
so
25 long as such agreement remains in effect thereafter; provided,
however,
26 that any such eligibility shall not apply upon termination of
such
27 agreement for employees otherwise subject to the provisions of
article
28 22 of the retirement and social security law, provided further that
this
29 section shall not be construed as authorizing any member who first
joins
30 a public retirement system of the state (as defined in subdivision 23
of
31 section 501 of the retirement and social security law) on or after
April
32 1, 2012 to become a participant in any of the special plans
established
33 by section 504-a, 504-b, 504-d, 604-a, 604-c (as added by chapter 96
of
34 the laws of 1995), 604-d or 604-i of the retirement and social
security
35 law or section 13-157.1 or 13-157.4 of the administrative code of
the
36 city of New York.
37 S 81. No enhancement, increase or other alteration or change in
the
38 benefit structure provided herein shall be authorized.
39 S 81-a. The retirement and social security law is amended by adding
a
40 new section 25 to read as follows:
41 S 25. APPROPRIATIONS IN RETIREMENT BILLS. THE STATE SHALL MAKE
A
42 PAYMENT TO THE RETIREMENT SYSTEM IN AN AMOUNT EQUAL TO THE VALUE OF
THE
43 BENEFITS ASSOCIATED WITH PRIOR SERVICE UPON THE ENACTMENT OF A
BILL
44 WHICH ENACTS OR AMENDS ANY PROVISION OF LAW RELATING TO A
RETIREMENT
45 SYSTEM OR PLAN OF THE STATE OF NEW YORK OR OF ANY OF ITS
POLITICAL
46 SUBDIVISIONS. THE STATE MAY AMORTIZE SUCH PAYMENT OVER A FIVE YEAR
PERI-
47 OD AT A RATE OF INTEREST TO BE DETERMINED BY THE RETIREMENT SYSTEM.
SUCH
48 BILL SHALL CONTAIN AN ITEMIZED APPROPRIATION FROM THE STATE'S
GENERAL
49 FUND BEGINNING FOR THE FISCAL YEAR IN WHICH SUCH AMENDMENT
BECOMES
50 EFFECTIVE AND WHICH SHALL NOT BE USED FOR ANY OTHER PURPOSE,
SUFFICIENT
51 TO DISBURSE A MINIMUM OF THE FIRST OF FIVE SUCH AMORTIZATION
PAYMENTS
52 PLUS THE PRESENT VALUE OF THE BENEFITS PROVIDED TO EMPLOYEES OF
THE

53 STATE OR ITS POLITICAL SUBDIVISIONS BY THE BILL FOR THE CURRENT
FISCAL
54 YEAR. THE STATE SHALL CONTINUE TO PAY FOR THE COST OF THE BENEFITS
AS
55 PROVIDED BY THE BILL TO THE STATE AND ITS POLITICAL SUBDIVISIONS ON
AN
56 ONGOING BASIS. SUCH APPROPRIATION FROM THE STATE'S GENERAL FUND
SHALL
S. 6735 37 A.
9558

1 ONLY BE REQUIRED WHEN A BILL IS ENACTED ON A STATEWIDE BASIS. IN
ADDI-
2 TION, SUCH APPROPRIATION FROM THE STATE'S GENERAL FUND SHALL NOT
BE
3 REQUIRED WHEN THE BENEFITS PROVIDED BY A PARTICULAR BILL MUST BE
ELECTED
4 BY A PARTICIPATING EMPLOYER, LOCAL GOVERNMENT, OR SCHOOL DISTRICT.
5 S 81-b. The retirement and social security law is amended by
adding

6 three new articles 23, 24, and 25 to read as follows:

7 ARTICLE 23

8 BENEFIT ENHANCEMENTS

9 SECTION 1300. DEFINITIONS.

10 1301. ELECTION OF BENEFIT ENHANCEMENTS.

11 1302. BENEFIT ENHANCEMENTS.

12 1303. ADDITIONAL MEMBER CONTRIBUTIONS.

13 1304. ELECTION NOT COLLECTIVELY BARGAINED.

14 S 1300. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES AS USED IN
THIS

15 ARTICLE SHALL HAVE THE FOLLOWING MEANINGS UNLESS A DIFFERENT MEANING
IS

16 PLAINLY REQUIRED BY THE CONTEXT:

17 A. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL
EMPLOY-
18 EES' RETIREMENT SYSTEM AND THE NEW YORK STATE TEACHERS'
RETIREMENT

19 SYSTEM.

20 B. "ELIGIBLE EMPLOYEE", SUBJECT TO THE LIMITATIONS OF SECTION
THIRTEEN

21 HUNDRED TWO OF THIS ARTICLE, SHALL MEAN A STATE EMPLOYEE THAT BECOMES
A

22 MEMBER OF A RETIREMENT SYSTEM WHO FIRST BECAME A MEMBER OF SUCH
SYSTEM

23 ON OR AFTER APRIL FIRST, TWO THOUSAND TWELVE WHO IS IDENTIFIED AS
ELIGI-

24 BLE TO RECEIVE THE BENEFIT ENHANCEMENTS PROVIDED FOR IN THIS
ARTICLE

25 UPON ELECTION BY THE STATE OF NEW YORK PURSUANT TO SECTION
THIRTEEN

26 HUNDRED ONE OF THIS ARTICLE.

27 S 1301. ELECTION OF BENEFIT ENHANCEMENTS. A. THE STATE OF NEW YORK
MAY

28 ELECT TO PROVIDE ITS EMPLOYEES THE BENEFIT ENHANCEMENTS PROVIDED FOR
IN

29 SECTION THIRTEEN HUNDRED TWO OF THIS ARTICLE.

30 B. A SEPARATE ELECTION TO PROVIDE BENEFIT ENHANCEMENTS PURSUANT
TO
31 SUBDIVISION A OF THIS SECTION MUST BE MADE FOR EACH SPECIFIC
COLLECTIVE
32 BARGAINING ORGANIZATION, RECOGNIZED OR CERTIFIED PURSUANT TO
ARTICLE
33 FOURTEEN OF THE CIVIL SERVICE LAW.
34 C. SUCH ELECTION IS MADE BY THE GOVERNOR TO THE RETIREMENT SYSTEM
UPON
35 RECEIPT OF A REQUEST FROM THE COLLECTIVE BARGAINING ORGANIZATION,
RECOG-
36 NIZED OR CERTIFIED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE
LAW
37 TO REPRESENT SUCH ELIGIBLE EMPLOYEES. NO SUCH PETITION SHALL
BE
38 REQUIRED FOR EMPLOYEES WHO ARE NOT REPRESENTED FOR THE PURPOSES
OF
39 COLLECTIVE BARGAINING SUBJECT TO THE LIMITATION PROVIDED IN SECTION
NINE
40 HUNDRED TWO OF THIS CHAPTER.
41 S 1302. BENEFIT ENHANCEMENTS. NOTWITHSTANDING ANY OTHER LAW TO
THE
42 CONTRARY, ELIGIBLE EMPLOYEES SHALL BE PERMITTED TO RETIRE,
WITHOUT
43 PENALTY, UPON REACHING AGE FIFTY-SEVEN AND COMPLETING AT LEAST
THIRTY
44 YEARS OF CREDITED SERVICE. EMPLOYEES RETIRING PURSUANT TO THIS
SECTION
45 SHALL RECEIVE A PENSION ALLOWANCE EQUAL TO THE SUM OF THIRTY-FIVE
PER
46 CENTUM AND ONE-FIFTIETH OF FINAL AVERAGE SALARY FOR EACH YEAR OF
SERVICE
47 IN EXCESS OF TWENTY TIMES FINAL AVERAGE SALARY TIMES YEARS OF
CREDITED
48 SERVICE.
49 S 1303. ADDITIONAL MEMBER CONTRIBUTIONS. UPON ELECTION BY THE STATE
OF
50 NEW YORK, THE RETIREMENT SYSTEM SHALL REQUIRE ADDITIONAL MEMBER
CONTRIB-
51 UTIONS TO BE PAID BY ALL ELIGIBLE EMPLOYEES. THE ADDITIONAL
MEMBER
52 CONTRIBUTIONS TO BE PAID BY ELIGIBLE EMPLOYEES SHALL BE OF A LEVEL
SO
53 THAT NO ADDITIONAL CONTRIBUTIONS SHALL BE PAID BY THE STATE TO COVER
THE
54 COST OF SUCH ADDITIONAL BENEFITS. ADDITIONAL MEMBER CONTRIBUTIONS
MADE
55 PURSUANT TO THIS SECTION SHALL BE IN ADDITION TO MEMBER
CONTRIBUTIONS
56 MADE PURSUANT TO OTHER PROVISIONS OF THIS CHAPTER.
S. 6735 38 A.
9558

1 S 1304. ELECTION NOT COLLECTIVELY BARGAINED. THE DETERMINATION
TO
2 MAKE AN ELECTION IN ACCORDANCE WITH THIS ARTICLE SHALL NOT BE DEEMED
TO

3 BE, OR TO RELATE TO OR AFFECT, A TERM AND CONDITION OF EMPLOYMENT
WITHIN
4 THE MEANING OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW OR ANY
LOCAL
5 LAW ENACTED IN FURTHERANCE THEREOF.
6 ARTICLE 24
7 BENEFIT ENHANCEMENTS
8 SECTION 1310. DEFINITIONS.
9 1311. ELECTION OF BENEFIT ENHANCEMENTS.
10 1312. BENEFIT ENHANCEMENTS.
11 1313. ADDITIONAL MEMBER CONTRIBUTIONS.
12 1314. ELECTION NOT COLLECTIVELY BARGAINED.
13 S 1310. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES AS USED IN
THIS
14 ARTICLE SHALL HAVE THE FOLLOWING MEANINGS UNLESS A DIFFERENT MEANING
IS
15 PLAINLY REQUIRED BY THE CONTEXT:
16 A. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK STATE AND LOCAL
EMPLOY-
17 EES' RETIREMENT SYSTEM AND THE NEW YORK STATE TEACHERS'
RETIREMENT
18 SYSTEM.
19 B. "ELIGIBLE EMPLOYEE", SUBJECT TO THE LIMITATIONS OF SECTION
THIRTEEN
20 HUNDRED TWELVE OF THIS ARTICLE, SHALL MEAN A MEMBER OF A
RETIREMENT
21 SYSTEM WHO FIRST BECAME A MEMBER OF SUCH SYSTEM ON OR AFTER APRIL
FIRST,
22 TWO THOUSAND TWELVE WHO IS IDENTIFIED AS ELIGIBLE TO RECEIVE THE
BENEFIT
23 ENHANCEMENTS PROVIDED FOR IN THIS ARTICLE UPON ELECTION BY THE STATE
OF
24 NEW YORK PURSUANT TO SECTION THIRTEEN HUNDRED ELEVEN OF THIS ARTICLE.
25 S 1311. ELECTION OF BENEFIT ENHANCEMENTS. A. THE STATE OF NEW YORK
MAY
26 ELECT TO PROVIDE EMPLOYEES WHO HOLD A POSITION REPRESENTED BY THE
RECOG-
27 NIZED COLLECTIVE BARGAINING UNITS AFFILIATED WITH THE NEW YORK
STATE
28 UNITED TEACHERS EMPLOYEE ORGANIZATION AS CERTIFIED BY HIS OR HER
EMPLOY-
29 ER THE BENEFIT ENHANCEMENTS PROVIDED FOR IN SECTION THIRTEEN
HUNDRED
30 TWELVE OF THIS ARTICLE.
31 B. SUCH ELECTION IS MADE BY THE GOVERNOR TO THE RETIREMENT SYSTEM
UPON
32 RECEIPT OF A REQUEST BY THE NEW YORK STATE UNITED TEACHERS
EMPLOYEE
33 ORGANIZATION.
34 S 1312. BENEFIT ENHANCEMENTS. NOTWITHSTANDING ANY OTHER LAW TO
THE
35 CONTRARY, ELIGIBLE EMPLOYEES SHALL BE PERMITTED TO RETIRE,
WITHOUT
36 PENALTY, UPON REACHING AGE FIFTY-SEVEN AND COMPLETING AT LEAST
THIRTY
37 YEARS OF CREDITED SERVICE. EMPLOYEES RETIRING PURSUANT TO THIS
SECTION

38 SHALL RECEIVE A PENSION ALLOWANCE EQUAL TO THE SUM OF THIRTY-FIVE
PER
39 CENTUM AND ONE-FIFTIETH OF FINAL AVERAGE SALARY FOR EACH YEAR OF
SERVICE
40 IN EXCESS OF TWENTY TIMES FINAL AVERAGE SALARY TIMES YEARS OF
CREDITED
41 SERVICE.
42 S 1313. ADDITIONAL MEMBER CONTRIBUTIONS. UPON ELECTION BY THE STATE
OF
43 NEW YORK, THE RETIREMENT SYSTEM SHALL REQUIRE ADDITIONAL MEMBER
CONTRIB-
44 UTIONS TO BE PAID BY ALL ELIGIBLE EMPLOYEES. THE ADDITIONAL
MEMBER
45 CONTRIBUTIONS TO BE PAID BY ELIGIBLE EMPLOYEES SHALL BE OF A LEVEL
SO
46 THAT NO ADDITIONAL CONTRIBUTIONS SHALL BE PAID BY THE STATE OR
PARTIC-
47 IPATING EMPLOYERS IN THE RETIREMENT SYSTEM TO COVER THE COST OF
SUCH
48 ADDITIONAL BENEFITS. ADDITIONAL MEMBER CONTRIBUTIONS MADE PURSUANT
TO
49 THIS SECTION SHALL BE IN ADDITION TO MEMBER CONTRIBUTIONS MADE
PURSUANT
50 TO OTHER PROVISIONS OF THIS CHAPTER.
51 S 1314. ELECTION NOT COLLECTIVELY BARGAINED. THE DETERMINATION
TO
52 MAKE AN ELECTION IN ACCORDANCE WITH THIS ARTICLE SHALL NOT BE DEEMED
TO
53 BE, OR TO RELATE TO OR AFFECT, A TERM AND CONDITION OF EMPLOYMENT
WITHIN
54 THE MEANING OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW OR ANY
LOCAL
55 LAW ENACTED IN FURTHERANCE THEREOF.
S. 6735 39 A.

9558

1 ARTICLE 25
2 BENEFIT ENHANCEMENTS
3 SECTION 1320. DEFINITIONS.
4 1321. ELECTION OF BENEFIT ENHANCEMENTS.
5 1322. BENEFIT ENHANCEMENTS.
6 1323. ADDITIONAL MEMBER CONTRIBUTIONS.
7 1324. ELECTION NOT COLLECTIVELY BARGAINED.
8 S 1320. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES AS USED IN
THIS
9 ARTICLE SHALL HAVE THE FOLLOWING MEANINGS UNLESS A DIFFERENT MEANING
IS
10 PLAINLY REQUIRED BY THE CONTEXT:
11 A. "RETIREMENT SYSTEM" SHALL MEAN THE NEW YORK CITY EMPLOYEES'
RETIRE-
12 MENT SYSTEM, THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM, AND THE
NEW
13 YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM.
14 B. "ELIGIBLE EMPLOYEE", SUBJECT TO THE LIMITATIONS OF SECTION
THIRTEEN
15 HUNDRED TWENTY-TWO OF THIS ARTICLE, SHALL MEAN A MEMBER OF A
RETIREMENT

16 SYSTEM WHO FIRST BECAME A MEMBER OF SUCH SYSTEM ON OR AFTER APRIL
FIRST,
17 TWO THOUSAND TWELVE WHO IS IDENTIFIED AS ELIGIBLE TO RECEIVE THE
BENEFIT
18 ENHANCEMENTS PROVIDED FOR IN THIS ARTICLE UPON ELECTION BY THE CITY
OF
19 NEW YORK PURSUANT TO SECTION THIRTEEN HUNDRED TWENTY-ONE OF THIS
ARTI-
20 CLE.
21 S 1321. ELECTION OF BENEFIT ENHANCEMENTS. A. THE CITY OF NEW YORK
MAY
22 ELECT TO PROVIDE ITS EMPLOYEES THE BENEFIT ENHANCEMENTS PROVIDED FOR
IN
23 SECTION THIRTEEN HUNDRED TWENTY-TWO OF THIS ARTICLE.
24 B. A SEPARATE ELECTION TO PROVIDE BENEFIT ENHANCEMENTS PURSUANT
TO
25 SUBDIVISION A OF THIS SECTION MUST BE MADE FOR EACH SPECIFIC
COLLECTIVE
26 BARGAINING ORGANIZATION, RECOGNIZED OR CERTIFIED PURSUANT TO
ARTICLE
27 FOURTEEN OF THE CIVIL SERVICE LAW.
28 C. SUCH ELECTION MAY BE MADE AT THE SOLE DISCRETION OF THE MAYOR
OF
29 THE CITY OF NEW YORK TO THE RETIREMENT SYSTEMS UPON RECEIPT OF A
REQUEST
30 FROM THE COLLECTIVE BARGAINING ORGANIZATION, RECOGNIZED OR
CERTIFIED
31 PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW TO REPRESENT
SUCH
32 ELIGIBLE EMPLOYEES. NO SUCH PETITION SHALL BE REQUIRED FOR EMPLOYEES
WHO
33 ARE NOT REPRESENTED FOR THE PURPOSES OF COLLECTIVE BARGAINING SUBJECT
TO
34 THE LIMITATION PROVIDED IN SECTION NINE HUNDRED TWO OF THIS CHAPTER.
35 S 1322. BENEFIT ENHANCEMENTS. NOTWITHSTANDING ANY OTHER LAW TO
THE
36 CONTRARY, ELIGIBLE EMPLOYEES SHALL BE ELIGIBLE TO RECEIVE BENEFITS
SPEC-
37 IFIED BY THE MAYOR OF THE CITY OF NEW YORK, PROVIDED THAT THE
PETITION
38 PROVIDED PURSUANT TO SUBDIVISION C OF SECTION THIRTEEN
HUNDRED
39 TWENTY-ONE OF THIS ARTICLE REQUESTED THE ELECTION OF SUCH BENEFITS.
40 S 1323. ADDITIONAL MEMBER CONTRIBUTIONS. UPON ELECTION BY THE CITY
OF
41 NEW YORK, THE RETIREMENT SYSTEM SHALL REQUIRE ADDITIONAL MEMBER
CONTRIB-
42 UTIONS TO BE PAID BY ALL ELIGIBLE EMPLOYEES. THE ADDITIONAL
MEMBER
43 CONTRIBUTIONS TO BE PAID BY ELIGIBLE EMPLOYEES SHALL BE OF A LEVEL
SO
44 THAT NO ADDITIONAL CONTRIBUTIONS SHALL BE PAID BY THE CITY OF NEW
YORK
45 TO COVER THE COST OF SUCH ADDITIONAL BENEFITS. ADDITIONAL
MEMBER
46 CONTRIBUTIONS MADE PURSUANT TO THIS SECTION SHALL BE IN ADDITION
TO

47 MEMBER CONTRIBUTIONS PAID PURSUANT TO OTHER PROVISIONS OF THIS
CHAPTER.

48 S 1324. ELECTION NOT COLLECTIVELY BARGAINED. THE DETERMINATION
TO
49 MAKE AN ELECTION IN ACCORDANCE WITH THIS ARTICLE SHALL NOT BE DEEMED
TO
50 BE, OR TO RELATE TO OR AFFECT, A TERM AND CONDITION OF EMPLOYMENT
WITHIN
51 THE MEANING OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW OR ANY
LOCAL
52 LAW ENACTED IN FURTHERANCE THEREOF.

53 S 82. Severability clause. If any clause, sentence, paragraph,
subdi-
54 vision, section or part of this act shall be adjudged by any court
of
55 competent jurisdiction to be invalid, such judgment shall not
affect,
56 impair, or invalidate the remainder thereof, but shall be confined
in

S. 6735 40 A.
9558

1 its operation to the clause, sentence, paragraph, subdivision,
section
2 or part thereof directly involved in the controversy in which such
judg-
3 ment shall have been rendered. It is hereby declared to be the intent
of
4 the legislature that this act would have been enacted even if
such
5 invalid provisions had not been included herein.

6 S 83. This act shall take effect April 1, 2012, provided that
the
7 amendments to subdivision a of section 603 of the retirement and
social
8 security law made by section thirty-one of this act shall be subject
to
9 the expiration and reversion of such subdivision pursuant to section
13
10 of chapter 682 of the laws of 2003, as amended, provided, further
that
11 the amendments to subdivisions 86, 87 and 89 of section 13-101 of
the
12 administrative code of the city of New York made by sections
seventy-
13 five, seventy-six and seventy-seven of this act shall not affect
the
14 expiration of such subdivisions and shall be deemed to expire
therewith.

FISCAL NOTE.--Pursuant to Section 50 of the Legislative Law,
the
fiscal note that must be appended in its entirety to this bill is:
This bill would amend various sections of the Education Law,
the
Retirement and Social Security Law, and the Administrative Code of
the

City of New York to implement a new retirement benefit structure for members who first join a public retirement system of the state or New York City on or after April 1, 2012. The following provisions are with respect to members of the New York State Teachers' Retirement System. Members would be eligible for an unreduced retirement benefit upon attainment of age 63. Benefits would be vested after ten years of cred- ited service. Members would be permitted to receive a reduced retirement benefit as early as age 55 with a reduction of 6.5% per year for each year that commencement precedes age 63. The retirement benefit formula for members whose years of service are less than 20 would be equal to one-sixtieth of final average salary times years of service. The retirement benefit formula for those members whose years of service is 20 or more would be equal to 1.75% times years of service up to 20, and 2.0% times years of service in excess of 20. Final average salary would be determined as the average of the highest five consecutive years of salary. Salary in excess of ten percent over the average of the four previous years would not be included in the final average salary. Members would be required to contribute between three and six percent of annual salary each year based upon their earnings in the second plan year preceding the current year in accordance with the schedule below:

| RAT | WAGES EARNED | MEMBER CONTRIBUTION |
|-----|---|---------------------|
| | \$45,000 or less | 3.00% |
| | Greater than \$45,000 but not greater than \$55,000 | 3.50% |
| | Greater than \$55,000 but not greater than \$75,000 | 4.50% |
| | Greater than \$75,000 but not greater than \$100,000 | 5.75% |
| | Greater than \$100,000 | 6.00% |
| to | Wages in excess of the annual salary paid to the Governor pursuant | |
| of | the state constitution are not includable. Additionally in the case | |
| two | members who work for multiple employers, only salary received from | |
| | employers is includable. | |

In Article 23-a of the bill, if NYSUT petitions the Governor to add the provisions of this section, and the Governor so elects, then a

benefit enhancement is added in which eligible members may retire with an unreduced benefit upon reaching age 57 provided they have completed at least 30 years of credited service. Upon election of this section, NYSTRS shall determine the cost of this provision, and the member contribution rate shall be increased by this amount, such that there is no additional cost to employers due to the provisions of this section.

S. 6735 41 A.

9558

The current required employer contribution rate for the New York State Teachers' Retirement System is 11.11% of pay, applicable to 7/1/11 - 6/30/12 member salaries and to be collected in the fall of 2012. This rate is estimated to increase to 11.84% for the 7/1/12 - 6/30/13 fiscal year. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after April 1, 2012, it will be several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-4/1/12 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 10.9% of pay under the Tier 4 benefit structure and 7.9% of pay under the Tier 5 benefit structure, in accordance with the actuarial assumptions adopted by the Retirement Board on October 27, 2011. This can be thought of as the long-term expected cost of the benefit structure, based on current actuarial assumptions. For the proposed new benefit structure as described above, this new entrant rate would be equal to 4.6% of pay.

With respect to the breakdown of the total plan cost into employer and employee portions, the long-term expected total cost of the benefit

89/11 structure for Tier 4 breaks down approximately as
employer/employee, for Tier 5 the split is 69/31 employer/employee,
and
49/51 for the Tier 6 benefit structure proposed here the split would be
employer/employee, based on current actuarial assumptions. Of course
the
contribution employee contribution rate is fixed, while the employer
and rate is variable as employers are responsible for overall funding
and assume all risks and benefits associated with investment performance
could demographic experience. The actual employer cost in a given year
actual be higher or lower than the cost projected above depending on how
is investment returns and demographic experience differ from what
is projected.

14, The source of this estimate is Fiscal Note 2012-23 dated March

2012 prepared by the Actuary of the New York State Teachers'
Retirement

System and is intended for use only during the 2012 Legislative
Session.

I, Richard A. Young, am the Actuary for the New York State
Teachers'

Retirement System. I am a member of the American Academy of
Actuaries

and I meet the Qualification Standards of the American Academy of
Actu-
aries to render the actuarial opinion contained herein.

join FISCAL NOTE.--This bill would require new members who first
to public retirement systems in New York State on or after April 1, 2012
to become covered under the provisions of a new defined benefit plan.
New non-unionized members who first join public retirement systems in
New York State on or after July 1, 2013 would have the option of joining
an existing defined contribution plan.

Employ- Insofar as this bill would affect the New York State and Local
the ees Retirement System (ERS), the significant design changes to
the current defined benefit plan include:

for 1. Beginning April 1, 2013, employee contributions of X% of pay
the all years of service, (except members enrolled in a plan that limits
the amount of creditable service that may be accrued would not be
required

to contribute after accruing the maximum amount of creditable service under such plan), where the X% applies for a fiscal year and is determined as follows:

| | Annual Pensionable salary | X% | |
|---------|---------------------------|----|----|
| S. 6735 | 42 | | A. |
| 9558 | | | |

| | |
|-----------------------------------|-------|
| as of 3/31/two fiscal years prior | |
| up to \$45,000.00 | 3.00% |
| \$45,000.01 to \$55,000.00 | 3.50% |
| \$55,000.01 to \$75,000.00 | 4.50% |
| \$75,000.01 to \$100,000.00 | 5.75% |
| \$100,000.01 or more | 6.00% |

2. The service retirement benefit would be one-sixtieth (1.67%) of FAS for less than 20 years of creditable service, OR, when creditable service is 20 years or more, 35% plus one-fiftieth (2.00%) of FAS for service credit in excess of 20 years,

3. Members in regular plans (where retirement eligibility requires the attainment of a certain age as well as the accumulation of a certain amount of service credit) must attain age 63 before they may receive an unreduced service retirement benefit. Retirement with reductions can commence at age 55 with the application of an early age reduction factor at a rate of 6.5% per year.

4. Final average salary (FAS) would be based on a 5 year average, with no year's salary permitted to exceed 10% of the average of the previous 4 year's salary,

5. Reportable salary (for a fiscal year) may not exceed the salary of the Governor of the state of New York, which currently is set in law to be \$179,000 (the reportable salary would change when the Governor's salary does) and pensionable salary applies on salary from no more than two employers per fiscal year,

6. Lump sum vacation pay, any form of termination pay and additional compensation paid in anticipation of retirement would no longer be included in a member's final average salary,

7. Service credit for unused sick leave time is capped at 100 days,
8. An early age retirement starting at age 57 for those with 30 or

more years of creditable service is potentially provided to petitioning

bargaining units subject to approval by the Governor of the state of New York with the enhanced benefit paid for by an additional employee contribution yet to be determined.

If this bill is enacted, NYSLRS would calculate new plan rates for all ERS members who first enter on or after April 1, 2012. The long term expected annual employer normal contribution rate for new general members would be approximately 5.7% of payroll. The long term expected annual employer total contribution rate for new general members (includes Group Term Life Insurance and the administrative rate) would be approximately 6.4% of payroll.

For fiscal year 2013, the total contribution rate for new general members (includes Group Term Life Insurance and the administrative rate) would be approximately 10.0% of payroll. The FY 2013 contributions assume that the new tier will be added to the existing ERS plan, and does not become its own, independent plan.

For ERS members in retirement plans that allow retirement without regard to age, the long term expected and FY 2013 contributions would vary by plan with a representative set of the larger plans given in the table below (with the general plan for tiers 5 and 6 included for reference):

| Plan | Long Term Expected Total Contribution | FY 2013 |
|-----------------------|--|---------|
| Contribution | | |
| Tier 5 General | 9.4% | 14.9% |
| Tier 6 General | 6.4% | 10.0% |
| Tier 5 Non-State COs | 10.6% | 17.5% |
| Tier 6 Non-State COs | 7.2% | 11.5% |
| S. 6735 | 43 | A. |
| 9558 | | |
| Tier 5 State COs | 12.1% | 19.8% |
| Tier 6 State COs | 8.8% | 14.2% |
| Tier 5 Sheriffs (553) | 16.2% | 26.5% |
| Tier 6 Sheriffs (553) | 12.9% | 20.9% |

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System (PFRS), the significant design changes to the defined benefit plan include:

1. Beginning April 1, 2013, employee contributions of X% of pay for

all years of service, (except members enrolled in a plan that limits the amount of creditable service that may be accrued would not be required to contribute after accruing the maximum amount of creditable service under such plan), where the X% applies for a fiscal year and is determined as follows:

| Annual Pensionable salary as of 3/31/two fiscal years prior up to \$45,000.00 | X% |
|---|-------|
| \$45,000.01 to \$55,000.00 | 3.00% |
| \$55,000.01 to \$75,000.00 | 3.50% |
| \$75,000.01 to \$100,000.00 | 4.50% |
| \$100,000.01 or more | 5.75% |
| | 6.00% |

2. Final average salary (FAS) would be based on a 5 year average, with no year's salary permitted to exceed 10% of the average of the previous 4 year's salary,

3. Reportable salary (for a fiscal year) may not exceed the salary of the Governor of the state of New York, which currently is set in law to be \$179,000 (the reportable salary would change when the Governor's salary does) and pensionable salary applies on salary from no more than two employers per fiscal year,

4. Any form of termination pay and additional compensation paid in anticipation of retirement would no longer be included in a member's final average salary,

5. Members in regular plans (where retirement eligibility requires the attainment of a certain age as well as the accumulation of a certain amount of service credit) must attain age 63 before they may receive a service retirement benefit,

6. Service credit for unused sick leave time is capped at 100 days, If this bill is enacted, NYSLRS would calculate new plan rates for all PFRS members who first enter on or after April 1, 2012. For PFRS members in retirement plans that allow retirement without regard to age, the long term expected and FY 2013 contributions would vary by plan with a representative set of the larger plans given in the table below. The FY 2013 contributions assume that the new tier will be added to the existing PFRS plan, and does not become its own, independent plan.

| Plan | Long Term Expected Total Contribution | FY 2013 |
|-----------------|--|---------|
| Contribution | | |
| Tier 5 384D | 14.8% | 20.1% |
| Tier 6 384D | 10.5% | 14.1% |
| Tier 5 384E | 15.1% | 20.5% |
| Tier 6 384E | 10.8% | 14.5% |
| T5 State Police | 16.2% | 22.1% |
| T6 State Police | 11.1% | 15.0% |

There would also be additional administrative expenses to inform employers and new members of the new plan provisions and to modify auto-mated systems. Employee contributions would now be a function of base salary instead of one fixed rate. To implement these employee contrib-ution rate changes the modification of NYSLRS automated systems would be

S. 6735 44 A.

9558

substantial with an associated implementation expense estimated at \$3 to 5 million. The more complicated system would be more challenging to maintain, apply, and explain, resulting in estimated annual ongoing expenses in the millions of dollars. The state and each of the approxi-mately 3,000 participating employers would have to modify their methods for withholding employee contributions, which could also lead to total expenses in the millions of dollars. Lastly, the bill contains no appro-priation to support the additional payroll administrative expense to the Office of the State Comptroller or the implementation and ongoing expenses of NYSLRS related to the new tier.

This bill would provide new members who first join public retirement systems in New York State on or after July 1, 2013 the option to become covered under an existing defined contribution plan in lieu of the defined benefit plan.

There would be additional NYSLRS administrative expenses to inform employers and new members of the option. These expenses are expected to be small.

Summary of relevant resources:
Data: March 31, 2011 Actuarial Year End File with distributions of

membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 14, 2012, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-117, prepared by the Actuary for the ERS and PFRS.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50: This bill would require new members who first join any of the five

New York City pension systems on or after April 1, 2012 to become covered under the provisions of a new defined benefit plan, Tier 6. The significant design elements of the plan are:

For non-uniformed employees:

1. Retirement age 63.

2. Benefit formula:

- 1.75% for each year of service up to 20 years

- 2.0% for each year of service from 20 years to 30 years

- 2.0% for each year of service beyond 30 years

3. Employee Contributions:

| Employee Salaries | Contribution % |
|--------------------|----------------|
| Less than \$45,000 | 3% |
| \$45,000-55,000 | 3.5% |
| \$55,000-75,000 | 4.5% |
| \$75,000-100,000 | 5.75% |
| \$100,000+ | 6% |

4. Vesting after 10 years of service

5. Final Average Salary (FAS) computed on a 5-year average with a

4 year look-back for years in excess of 10% above the preceding years.

6. Cap maximum pensionable earnings at the Governor's salary.

S. 6735 45 A.

9558

7. An early retirement option for employees under 63 years of age which allows them to retire as young as age 55 with a 6.5% reduction in

the benefit per year for each year below age 63.

For employees who are members of the uniformed forces:

as
3
on
10%
All employees covered by these provisions would receive benefits described under the section of the law that sets out the Tier provisions. Additionally, the Final Average Salary (FAS) is computed a 5-year average with a 4 year look-back for years in excess of above the preceding years.

a
City's
\$21
The impact of this legislation on City's Fiscal Year 2015 would be savings of approximately \$49 million. The total impact on the budget over the next 30 years would be a savings of approximately billion.

during
York
This estimate, dated March 14, 2012, and intended for use only the 2012 Legislative Session, was prepared by the city of New office of management and budget.