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Introduction

The Employer’s Guide prepares the benefit and payroll staff of participating employers of the New York State and Local Employees’ Retirement System and the New York State and Local Police and Fire Retirement System to better serve their employees who are members of the Retirement System. The focus of the Employer’s Guide is member benefits, therefore, benefit information pertaining to the Member & Employer Services Bureau and the Benefit Calculation & Disbursement Services Bureau is emphasized. The information included will help you understand the functions of each bureau, familiarize you with the policies, procedures and forms of each, as well as to answer employees’ questions about retirement matters.

For your convenience, please refer to the Index and Table of Contents for the location of specific topics, and to the Glossary for definitions of the most commonly used terms. Remember, the Employer’s Guide is intended as a general reference. The information provided by the Guide will not apply to all situations. You can contact our Call Center at 1-866-805-0990 or 518-474-7736 in the Albany, New York area or fax us at 518-402-4433 if you need clarification.

History of the Retirement System

The New York State and Local Retirement System consists of the Employees’ Retirement System and the Police and Fire Retirement System, and is a division of the Office of the State Comptroller. The New York State Employees’ Retirement System (ERS) was created through legislation in 1921 to provide benefits for State Civil Service officers and employees. By 1923, several counties, cities, towns and villages became participating employers. Over the years, more public employers became participants, and at present there are more than 3,000 such employers. Legislation in 1966 created the New York State Police and Fire Retirement System (PFRS). Membership of all police officers and firefighters was transferred from the ERS at that time. The two Systems have separate retirement plans, but are administered by the same staff. In 1987, both ERS and PFRS changed their name to the New York State and Local Retirement System, in recognition of the broad base of participation by local employers.

As of March 31, 2013, there were nearly 614,000 members of the Employees’ Retirement System, almost 34,000 members of the Police and Fire Retirement System, and more than 413,000 pensioners and beneficiaries of both Systems. This totals over 1,061,000 participants in the Retirement System.
Retirement System Services

The New York State and Local Retirement System offers many services to members, retirees, and their families enabling them to make informed choices. The System also provides help and guidance to employers so they can make educated and sound decisions. These services are described in this chapter.

Organization and Functions

The New York State Comptroller is the administrative head and sole trustee of the New York State and Local Retirement System. As Fiduciary, he has the duty to act solely in the interest of the members and pensioners of the System. The Comptroller is directly accountable to the public, to the State Constitution, and to the federal and State statutes.

In addition, the Comptroller guides the investment of pension funds and is responsible for ensuring that the different benefit programs the System offers are managed properly and effectively; it is a responsibility the Comptroller takes seriously and to which he is entirely committed.

The Division of Retirement Services carries out the day-to-day operation of the System. The Bureaus within the Division are the Accounting, Actuarial, Administrative Services/Quality Performance, Advisory Council Affairs, Benefit Calculations & Disbursement Services, Benefit Information Services, Communications, Disability Services, Executive, Hearing Administration and Matrimonial, Member & Employer Services, and Pension Integrity.

The Division of Investments is responsible for investing System assets for maximum return, consistent with safety and prudence. The Office of Investment Affairs makes use of the System’s ownership in U.S. corporations, through stock holdings, to seek ways to promote corporate responsibility, ensure director accountability and improve corporate performance.

The Advisory Council provides the System with expert advice and technical assistance, and is a vital source of information and ideas for the Comptroller and his staff.

The other Retirement System Committees include those of the Investment Advisory, Real Estate Advisory, Audit and Actuarial Advisory.
Retirement System Investments

The Common Retirement Fund was established to hold all the assets and income of the Retirement System in a single unified investment program. Investments are diversified and include domestic and international stocks, bonds, mortgages, business investments, short-term investments and equity real estate. Retirement System assets totaled $176.8 billion as of March 2014.

The System supports the New York State economy by investments in office buildings, housing and small businesses, and the purchase of stock of major New York employers.
Division of Retirement Services — Bureau Functions

Accounting Bureau

- Maintains investment accounting, general ledger accounting and receipt and disbursement records.
- Reconciles the Retirement System bank accounts and prepares and issues annual financial statements.
- Provides tax services to members, retirees and beneficiaries.

Actuarial Bureau

- Projects the future financial needs of the System and calculates the amount of employer contributions necessary to fund pension benefits.
- Performs the annual valuation of System liabilities.
- Analyzes legislative proposals and prepares fiscal notes that predict the cost of such legislation.
- Determines statistical data and fiscal year-end information for the Annual Report, Annual Report Supplement and investment reports.
- Produces actuarial tables used in benefit calculations.

Administrative Services/Quality Performance Bureau

- Provides responsive budgeting, purchasing, contractual, financial tracking and infrastructure support and consultation to maximize the effective use of limited resources.
- Facilitates, coordinates and tracks the Division’s annual work-planning process.
- Assists in developing and deploying a measurement system and conducts an annual internal assessment of the management system to determine strengths and identify improvement opportunities.
- Establishes longer-term workforce management initiatives that prepare the Division for the wide range of future challenges.

Advisory Council Affairs

- Responsible for outreach efforts to representatives of members (unions), employers, pensioners and others.
Benefit Calculation & Disbursement Services Bureau

- Processes applications for estimates, service retirements and death benefits.
- Provides over 413,000 retirees and beneficiaries with pension benefits of nearly $9.3 billion a year.
- Monitors post-retirement earnings of retirees in public employment, and post-retirement earnings of disability retirees from public and private employment.

Benefit Information Services Bureau

- Provides a comprehensive benefit information program targeted to System members through:
  - Individual member consultations at the Albany office or at locations throughout the State.
  - Interactive teleconferences for members considering retirement.
  - Presentations at group meetings.
- Call Center responds to approximately 400,000 telephone inquiries and 20,000 emails annually from members, retirees, employers, beneficiaries and other interested parties.

Communications Bureau

- Composes, designs and produces publications on extensive retirement-related subjects; four semi-annual newsletters for members, retirees and employers; and the Retiree Annual Statement and the Member Annual Statement.
- Produces E-News, the monthly electronic newsletter that provides employers and members with information related to the Retirement System.
- Produces a variety of multi-media presentations on various retirement-related subjects that are distributed via the web.
- Informs employers about new retirement legislation, services and policies and produces the Employer’s Guide.
- Produces the System’s Comprehensive Annual Financial Report.
- Maintains the Retirement System’s website providing members, retirees and employers quick and convenient access to important benefit information.
Disability Services Bureau

- Processes disability retirement applications.
- Establishes a member’s eligibility for disability retirement or accidental death benefits.
- Processes and establishes a member’s eligibility for World Trade Center Notices and World Trade Center Accidental Presumptions.

Executive Bureau

- Provides leadership and direction for all other Retirement System bureaus.
- Establishes administrative policies for the Division and allocates staffing and financial resources within the Division.
- Establishes policies and procedures relating to Retirement System benefits, membership and employer contributions.
- Recommends new legislation or changes to existing legislation and represents the Retirement System regarding federal legislation affecting public retirement benefits.
- Provides responses to press inquires on behalf of the Division and manages relationships and requests from external associations.

Hearing Administration and Matrimonial Bureau

- Reviews, for legal sufficiency and factual accuracy, decisions made by hearing officers following the conclusion of administrative hearings.
- Prepares Findings of Fact and Conclusions of Law that are signed by an Assistant or Deputy Comptroller.
- Prepares memorandum citing appropriate legal authority and issues a superseding decision, upon the approval of a Deputy Comptroller, if a hearing officer’s decision is legally insupportable.
- Responds to telephone inquiries and reviews proposed and final domestic relations orders for legal sufficiency and administrative implementation.
- Provides information and renders opinions to assist retirees, members and attorneys in obtaining equitable distribution of pension benefits following a matrimonial action and provides legal opinions to other Retirement System Bureaus regarding matrimonial issues affecting pension benefits.
Member & Employer Services Bureau

- Registers new members into the appropriate System and tier.
- Processes requests for tier reinstatements, previous service credit, withdrawals, transfers, loans, refunds of excess contributions, membership terminations, and beneficiary, address and plan changes.
- Maintains the records of nearly 648,000 members before a benefit is paid.
- Provides personalized information for the Member Annual Statements.
- Provides cost information to municipalities that wish to participate or to provide improved benefit plans.
- Prepares and distributes the annual bills to State and local employers for the cost of providing their employees with retirement benefit coverage.
- Conducts training seminars throughout the State for employers.

Pension Integrity Bureau

- Ensures that the Retirement System’s data is accurate, complete and reliable.
- Identifies, reviews and prepares cases where there is some question as to the member’s status as an employee or independent contractor.
- Conducts desk and field audits in coordination with OSC’s State and Local Government Accountability and Internal Audit staff to ensure retirement data is reported and recorded correctly.
- Identifies Division-wide vulnerabilities and inconsistencies, and analyzes unique cases or situations for which a standard solution has not been established.
- Works closely with other bureaus to develop reasonable procedures for addressing issues that will ultimately improve the reliability of Retirement System data.
Services for Members and Retirees

Individual Consultations & Telephone Inquiry Services

The Retirement System provides individual consultations through our Benefit Information Services Bureau. From 8:30 am – 4:30 pm, representatives are available, in person or by phone, at our Albany office. Representatives are available from 9:00 am – noon and 1:00 pm – 4:00 pm at locations across the State. Retirement Information Representatives may be contacted by personal visit only at our consultation centers on scheduled days throughout the State. The current schedule appears on our website and on page 1-10. Note that consultations with a representative are by appointment only at all of our sites. However, with the exception of our New York City site, you do not need an appointment to drop off forms, pick up information, or have something notarized.

Members are encouraged to bring their retirement estimates and/or a copy of their most current Member Annual Statement with them when meeting with one of our Information Representatives.

This service is of particular value when a person wants an explanation of benefits relating to his or her own circumstances and membership status. It is also recommended for members who are nearing retirement and are looking for more specific counsel prior to filing an application for retirement.

Call Center staff will answer questions over the telephone from 7:30 am – 4:30 pm every business day. Members calling long-distance can use our toll-free number at 1-866-805-0990. Members calling within the Albany, New York area should dial 518-474-7736. Members and employers may also email their inquiries through our website at www.osc.state.ny.us/retire, fax us at 518-402-4433 or write us at:

New York State and Local Retirement System
110 State Street
Albany, NY 12244-0001
Pre-Retirement Seminars and Presentations

At your request, we will work with you to provide a pre-retirement seminar or presentation for your employees. Pre-retirement seminars and presentations are intended for members within five years of retirement eligibility and include topics such as:

- Preparing to Retire — explains the steps involved in the retirement process and the choices members must make.
- Retirement Benefits — explains how final average salary and pension benefits are calculated.
- Post-Retirement Matters — includes a discussion of post-retirement employment and how it could affect retirees’ benefits.

If you would like a more comprehensive seminar or presentation including information on various other topics of interest to your employees, for example, financial planning, health insurance and estate planning, we are happy to partner with you to acquire qualified presenters on specific topics.

Scheduling a Seminar or Presentation

If you would like to schedule a seminar or presentation for your employees, please contact our Call Center as soon as possible prior to the date you anticipate holding the function. Together we can schedule a mutually agreeable time and work out the agenda and other details.

Benefit Information Services Schedule

Our consultation schedule is also available online at [www.osc.state.ny.us/retire/consultation_site_offices](http://www.osc.state.ny.us/retire/consultation_site_offices). The following are the locations and visiting days for our Retirement System Information Representatives. The hours in Albany are 8:30 am – 4:30 pm. All other sites are open from 9:00 am – noon and 1:00 pm – 4:00 pm on scheduled days. Members should contact our Call Center to schedule an appointment. They should bring any recent correspondence they received from the Retirement System and personal identification. If members have special requirements, they should contact our Call Center or write us at least two weeks in advance at:

New York State and Local Retirement System
Benefit Information Services Bureau
110 State Street
Albany, NY 12244-0001
or
Fax us at 518-473-5590
### Benefit Information Services Schedule

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<td>Albany</td>
<td>110 State St.</td>
<td>Every Business Day</td>
</tr>
<tr>
<td>Binghamton</td>
<td>Binghamton State Office Building 44 Hawley St., Room 606</td>
<td>Every Tuesday</td>
</tr>
<tr>
<td>Buffalo</td>
<td>Walter J. Mahoney State Office Building 65 Court St., Room 500</td>
<td>Every Business Day</td>
</tr>
<tr>
<td>Canton</td>
<td>SUNY at Canton (off Route 68) Campus Center, 2nd floor</td>
<td>First Thursday</td>
</tr>
<tr>
<td>Hauppauge</td>
<td>330 Motor Pkwy., Suite 107</td>
<td>Every Business Day</td>
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<td>Middletown</td>
<td>Hudson Valley DDSO 42 Rykowski Ln.</td>
<td>Second &amp; Fourth Thursday</td>
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<td>New City</td>
<td>Sain Building 18 New Hempstead Rd.</td>
<td>First &amp; Third Friday</td>
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<td>New York City</td>
<td>59 Maiden Ln., 30th Floor Entrance located between William St. and Nassau St.</td>
<td>Every Tuesday &amp; Wednesday</td>
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<tr>
<td>Plattsburgh</td>
<td>County Center 1st floor, County Clerk’s Office 137 Margaret St.</td>
<td>First &amp; Third Thursday</td>
</tr>
<tr>
<td>Poughkeepsie</td>
<td>Eleanor Roosevelt State Office Building 4 Burnett Blvd.</td>
<td>Second &amp; Fourth Friday</td>
</tr>
<tr>
<td>Rochester</td>
<td>DOT Building 1530 Jefferson Rd., Henrietta</td>
<td>Every Thursday</td>
</tr>
<tr>
<td>Syracuse</td>
<td>620 Erie Blvd. West, Suite 113</td>
<td>Every Friday</td>
</tr>
<tr>
<td>Utica</td>
<td>Utica State Office Building 207 Genesee St., Ground Floor</td>
<td>First, Second, Third &amp; Fourth Monday</td>
</tr>
<tr>
<td>Watertown</td>
<td>Jefferson County Human Services Building Lower Level Conference Room 250 Arsenal St.</td>
<td>First Wednesday</td>
</tr>
<tr>
<td>White Plains</td>
<td>Clarence D. Rappleyea Building 123 Main St., 1st Floor</td>
<td>Every Wednesday</td>
</tr>
</tbody>
</table>

Please Note: Always check our website [www.osc.state.ny.us/retire/consultation_site_offices](http://www.osc.state.ny.us/retire/consultation_site_offices) for the most current consultation site schedule as locations and monthly visiting days can change.
Other Services

The Retirement System offers a number of other services to members:

- **Loans**: Tier 1 and 2 members contributing to annuity savings accounts and Tier 3, 4, 5 and 6 members may borrow from the Retirement System at competitive interest rates (see pages 4-6 through 4-10 for more information).

- **[www.osc.state.ny.us/retire](http://www.osc.state.ny.us/retire)**: Our website is designed to assist members, retirees and employers with a variety of retirement topics. It also contains forms and booklets, that can be downloaded, a benefit projection calculator for members to estimate their retirement benefit and several online services for employers including Retirement Internet Reporting (see pages 5-2 through 5-4).

- **Estimates**: An estimate of retirement benefits can be requested by members within 18 months of retirement eligibility and by vested members no longer employed in public service (see pages 7-4 through 7-5).

- **Call Center** (toll-free at 1-866-805-0990 or 518-474-7736 within the Albany, New York area): Members and retirees can call our automated information line to receive information on a variety of retirement-related topics affecting their benefits or to speak with a customer service representative.
Services for Employers

Seminar for Reporting and Benefits Staff

Seminars have been developed using input from a cross section of employers. These seminars provide information and training for staff who assist employees on retirement benefit matters or compile and submit the monthly report.

Through a mixture of lecture, discussion and working through real-life situations, participants learn about the various retirement benefits, and the role monthly reporting plays in determining those benefits. Those who attend will learn, first-hand, about the extensive resources available directly from the Retirement System.

For additional information, to make a reservation, or host a workshop, please call 518-474-0167.

E-News

E-News (our monthly electronic newsletter) gets you the information you need in a quick and timely manner. It includes employer-related topics such as billing rates, newly enacted legislation and employer-reporting seminars, among others. It contains links to our website for even more detailed information in a variety of formats. However, we need your email address to deliver this news to your desktop. So please take a moment to visit our website at www.osc.state.ny.us/retire/employers, to sign up. Look for the link, “Sign up for E-News.”

E-News is useful for both you and your employees. Your employees can enroll to receive a version designed specifically with their needs in mind. There’s lots of information that can help them make good financial decisions and plan for the future. So, please be sure to encourage your employees to sign up at the above address.
Retirement System Resources

The Retirement System has many valuable resources available for both members and employers.

Publications

Printed materials include retirement plan description booklets and other informational pamphlets. **The Update** and **The Sentinel** are newsletters for active System members. **The Update** is produced and distributed twice a year and contains information about ERS services, new legislation, publications, and benefits. **The Sentinel**, also distributed twice a year, has similar information for PFRS members.

Like **The Update** and **The Sentinel**, the **Employer Forum** is produced twice each year and contains information specifically for employers. We also publish **Retiree Notes**, a newsletter covering important information about pension benefits and the special concerns of retirees.

Member Annual Statements

**Member Annual Statements** are sent to employers during June and July each year for distribution to employees. In addition to annually confirming the members’ continuing membership in the appropriate Retirement System, the statement contains a wealth of individual member information relating to tier and plan status, salaries reported by their employer, their current beneficiary of record, and, in most cases, service credit earned and a projection of benefits based on information provided by the System’s automated records.

Statements for individuals you no longer employ should be mailed to the former employee’s last known address. Please provide the Member & Employer Services Bureau, in writing, the names, registration numbers and addresses of those former employees so that we can update our address records.

We encourage members to carefully review their statements and advise us of any information (with the exception of data reported by their employer) that is inconsistent with their own records. If members have questions relating to employer reported data, they should contact their personnel or payroll office, because such corrections are generally initiated by the employer.
Retiree Annual Statement

Each February, the Retirement System mails all retirees a Retiree Annual Statement. This statement describes the payment option chosen at retirement and lists the following information for the previous calendar year:

- Total benefit paid;
- Any cost-of-living adjustment;
- Medicare credits, if any;
- Deductions for federal income tax;
- Deductions for health insurance premiums, if applicable; and
- Any other miscellaneous deductions.

In addition, the statement includes a form to report any earnings during that year. We enclose a pension payment calendar so retirees know when their pension checks will be mailed or when their funds will be deposited in their bank account if they are enrolled in the Direct Deposit program. An up-to-date list of important telephone numbers is also included. Retirees are encouraged to write to the Retirement System or contact us through our website at www.osc.state.ny.us/retire if any information is incorrect or if they have any questions.
Employer Participation in the Retirement System

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Overview

The New York State and Local Retirement System offers a broad spectrum of plans and benefits. All of the plans provide service retirement benefits related to years of service and final average salary (FAS). Other benefits include: vesting of retirement benefits, death and disability benefits, and optional methods of benefit payments.

Becoming a Participant in the Retirement System

The process of becoming a participating employer in the Retirement System involves several stages. Once the employer contacts us, we must determine if the employer is eligible to participate. If eligible, the employer must provide us with a roster of employee names, current salaries, dates of employment, and dates of birth. We will then prepare an estimate of the cost-of-participation as required by Section 430 of the Retirement and Social Security Law, for consideration by the governing body of the employer. If the employer decides to become a participant, a resolution must be passed by the employer’s governing body and submitted to us, along with an affidavit from the employer’s fiscal officer stating that the employer will pay the cost-of-participation.

Note: Any municipality that employs a police officer or paid firefighter must participate in the Police and Fire Retirement System.

Once an employer becomes a participant in the Retirement System, by law, that employer can never terminate its participation.

The Retirement and Social Security Law also requires a new participant to make a one-time advance payment equal to the estimated first-year cost, to be paid by the end of the employer’s fiscal year in which the employer elects to participate. This payment will appear as a credit on the subsequent annual billing.

Each November, we bill participating employers based on the total salaries that were paid to Retirement System members in their employ at the close of the previous New York State fiscal year. The required percentages for the various plans are calculated (and may change) every year. Employers who participate in the same plan contribute at the same rates. Payment of these invoices is due on or before February 1st.
When considering becoming a participating employer, or if you are mandated to be a participating employer, you may fax a request for the cost of participating to our Employer Education and Participation Unit at 518-474-8357.

Deficiency Contributions

There is usually an advance payment equal to the estimated first-year cost required by the employer to fund the cost of service before becoming a participant in the Retirement System. After an employer has participated in the Retirement System for one full State fiscal year (April 1st – March 31st), an initial valuation is performed. This valuation determines any liability which will not be covered by your annual, normal contribution to the System and is called the deficiency.

The amount of the deficiency depends on your employees’ years of service, salary and age at the time you become a participating employer. The Actuary for the Retirement System calculates the actual amount of the deficiency after you become a participating employer. The deficiency is paid in annual installments over 25 years and is included with the annual employer contribution, due February 1st each year.
Annual Billing

Employer Contribution Rates

At the beginning of the System’s fiscal year (April 1st), the employer contribution rates for all of the System’s available retirement plans are calculated by the Actuary. Rates are subject to modification based on legislative enactments. These computations are based on an annual actuarial valuation of the System’s assets and liabilities using the aggregate (total) cost funding method.

Employer contributions represent the cost of the benefits that employees are accruing during their working years. As a participating employer, you are billed once a year for your share of the annual cost of paying for these future benefits for your employees. Actual employer contributions due for any year depend upon the following factors:

- The retirement plans adopted; and
- The amount of salary paid to Retirement System members; and
- The contribution rates applicable to those salaries as determined by the Retirement System Actuary and approved by the Comptroller.

Employer Billing Schedule

June — a salary and service list is made available to each employer. This list shows the actual salary and days worked, as reported for members in your employ during the previous fiscal year. The total salaries by tier and plan are used for the reconciliation of the previous year’s bill. Compare this list to your own records. If it appears that any member records may be in error, please prepare a Member Salary & Service Detail Request (RS2413) listing the name, registration number and the last four digits of the Social Security number of the members involved and send it to the Member & Employer Services Bureau. We will then send you an individual breakdown for each of these members showing the monthly amount of salary paid and days worked as contained in our records, including adjustments through the date of preparation. If there is an error in our records, you need to submit to our Member & Employer Services Bureau an Adjustment Report (RS2050) & Adjustment Report Label (RS2050A), respectively.

August — we prepare an estimate of the February 1st annual contribution for each employer. This estimate includes a reconciliation of the previous February 1st payment plus an estimate of the current February 1st payment. The reconciliation portion is based on the difference between the projected salaries and the salaries paid, and appears as a credit or debit. You can access your estimate using our online Annual Employer Estimate Application.
September — final employer contribution rates are issued for the next fiscal year and a projection of the amount due February 1st of the next fiscal year is provided. For example, in September 2013, the rates for the fiscal year ending March 31, 2015 are issued and a projection of the payment due on February 1, 2015 is provided. You can access both using our online Employer Projection and Rates (EPR) application.

November — the annual invoice is available on our website in early November. Local governments and other participating employers are responsible for their share of retirement costs based on a projection of salaries for their members that will be paid by the end of the current State fiscal year. These salaries are multiplied by the appropriate contribution rates. Payment of this invoice is due on or before February 1st. The salary projection used for this billing is based on your actual retirement salary base for the previous year, adjusted to reflect inflation, attrition, new members and tier change considerations.

This invoice also bills you for other costs incurred as the result of your participation in the System. These costs may include, but are not limited to, billing for deficiencies, amortization amounts, required payments for an adoption of a State retirement incentive, and for prior years’ adjustments. Prior years’ adjustments may appear as charges or credits.

Adoption of Benefits

From time to time, a change in benefit coverage may be proposed by an employer, employees or a bargaining agent. Actual billing rates for these benefits are calculated annually by us. To help you in your budget preparation for the next fiscal year, we will advise you of the new rates shortly after they become available.

Information about new plans or benefits and actual procedures and costs involved in adopting a new benefit can be obtained from our Member & Employer Services Bureau. When considering the adoption of new or improved benefit plans offered by the Retirement System, you may request a meeting with staff from the Member & Employer Services Bureau by calling 518-474-0167.

When you notify us of your intention to adopt a new benefit, we will prepare an estimated cost for inclusion in your budget and for your use in collective bargaining. This is necessary since Section 430 (RSSL) requires that the money needed to meet the cost of a new benefit be appropriated and included in the budget for the fiscal year in which the benefit will become effective. Requests for a quote to adopt a benefit plan can be faxed to 518-474-8357.
Along with the letter of estimated cost, we will send these documents for you to complete:

- An affidavit certifying that funds have been appropriated; and
- The necessary resolution or resolutions to formally adopt the benefit.

New benefits cannot become effective until certified copies of the resolution and affidavit are filed with the Retirement System. Language in these documents may not be altered or amended in any fashion. The effective date of new benefits may not be made retroactively.

Approximately one month before the end of your fiscal year in which the new benefit becomes effective, we will send you an invoice. This invoice represents an advance payment that is payable prior to the end of your fiscal year in which the new benefit is adopted. Credit for this payment will be shown on your annual invoice for the State fiscal year in which the benefit becomes effective.

In the Retirement System, the term “tier” refers to the particular membership status established by legislation, and is determined by the date a member joined the Retirement System.

**Tiers 1 and 2**

Plans adopted on behalf of Tier 1 or Tier 2 members must apply to all eligible employees who are members of the Retirement System. Benefits cannot be applied to some eligible members or groups of eligible members while not to others, except as provided by law. For example, employers may elect to provide special benefits for police officers only or for firefighters only.

**Tiers 3 and 4**

Most Tier 3 ERS members are covered under the provisions of both the Coordinated-Escalator Retirement Plan (CO-ESC), Article 14, and the Coordinated Retirement Plan, Article 15, except for New York State Correction Officers who are covered by a modified CO-ESC Retirement Plan, Article 14. Most Tier 4 members are covered under the provisions of the Coordinated Retirement Plan, Article 15. Tier 3 PFRS members can be covered by Article 11 or Article 14, depending on their plan coverage.

Until they have been a member of the System for ten years or have ten years of credited service, Tier 3 and 4 ERS members must contribute 3 percent of their wages. Most Tier 3 PFRS members covered by Article 11 are not required to contribute. Tier 3 PFRS members covered by Article 14 are required to contribute 3 percent of their wages for 25 years.
Tiers 5 and 6

Most Tier 5 ERS members are covered under the modified provisions of the Coordinated Retirement Plan, Article 15, and most Tier 5 PFRS members are covered under modified provisions of Article 11.

Tier 5 ERS members are required to contribute 3 percent of their earnings for their entire career (except New York State correction officers, who are not required to contribute after 30 years of service, and uniformed court officers and peace officers employed by the Unified Court System, who are required to contribute 4 percent of their earnings).

Tier 5 PFRS members must contribute 3 percent of their earnings for their entire career unless they are enrolled in a retirement plan where the maximum amount of service credit allowed is capped. In that case, Tier 5 PFRS members are not required to contribute after accruing the maximum amount of service allowed in their retirement plan. In addition, if a union-negotiated collective bargaining agreement, in effect on January 9, 2010, requires an employer to offer a noncontributory plan, any new employees who joined while that agreement was in place, and who elected the special plan, may not be required to contribute.

Tier 6 ERS and PFRS members are covered under the provisions of Article 15 and Article 11 respectively, as modified by Chapter 18 (RSSL), Laws of 2012.

During fiscal year 2012-13, Tier 6 ERS members were required to contribute 3 percent of their reportable gross earnings (except for Uniformed Court Officers or Peace Officers employed by the Unified Court System, who contribute 4 percent). Effective April 1, 2013, Tier 6 ERS members are required to contribute a percentage of their reportable earnings for their entire career, except New York State correction officers, who are not required to contribute after 30 years of service.

During fiscal year 2012-13, Tier 6 PFRS members were required to contribute 3 percent of their reportable gross earnings. Effective April 1, 2013, they are required to contribute a percentage of their reportable earnings for their entire career, however, there are some exceptions:

- Tier 6 PFRS members enrolled in retirement plans limiting the amount of creditable service they may accrue are not required to contribute once they reach the maximum amount of service allowed by their plan.

- If a union-negotiated collective bargaining agreement in effect on January 9, 2010, requires an employer to offer a noncontributory plan, any new employees who joined while that agreement was in place, and who elected the special plan, may not be required to contribute.
By March of each year, we will provide employers with a file establishing the rates your Tier 6 employees are required to contribute, beginning with April 1, 2013. For the first three years of membership, each Tier 6 employee’s contribution rate is based on the annualized wage you provide on the membership application. After this three-year period, as established by Tier 6 legislation, we base the contribution rate on what the employee actually earned two years prior. For part-time employees, their contribution rate is also based on the annualized wage you provide; however, the contributions these members actually make are based on their annual earnings.

To view the variable contribution rates for each of your Tier 6 employees, log on to our Variable Contribution Rate (VCR) application, available during March and April each year. The VCR application, on a secure area of our website, lists your current Tier 6 employees and the rates at which they will be required to contribute during the current State fiscal year (ex., April 1, 2013 – March 31, 2014). During the time the list is available online, it is updated weekly to include any new employees registered.

No other benefits may be adopted for Tier 3, 4, 5 or 6 members participating in the regular plan except employers can elect to provide to their employees the unused sick leave benefit under Sections 41-j or 341-j (refer to page 7-18).

**Change in Employer’s Address**

Please notify us in writing if, for any reason, the employer’s address changes or there is a change in contact personnel such as:

- Chief Executive Officer
- Chief Fiscal Officer
- Personnel Officer
- Billing or Payroll Officer
- Clerk or Secretary to the Governing Board

This notification should be sent to:

Member & Employer Services Bureau
New York State and Local Retirement System
110 State Street
Albany, NY 12244-0001
Social Security Coverage

Social Security coverage for public employees is administered by the New York State Social Security Administrator. Every political subdivision in New York State must participate in the State Social Security agreement.

Some of the functions of the State Social Security Administrator are to:

- Serve as the liaison between public employers and the Social Security Administration;
- Make coverage determinations;
- Interpret and enforce federal laws and regulations; and
- Educate and assist the political subdivisions regarding Section 218.*

If you would like to contact the New York State Social Security Administrator, please call 1-866-805-0990 or 518-474-7736 in the Albany, New York area.

* Section 218 provides coverage under the federal Old Age and Survivor’s Insurance program for individuals employed by New York State and its political subdivisions.
Membership

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Introduction

Membership in the Employees’ Retirement System and the Police and Fire Retirement System provides many benefits. The advantages of membership include:

- Death benefits;
- Service retirement;
- Disability retirement for both on-the-job and non-job related disabilities;
- Transfer of membership from other public retirement systems in New York State; and
- Crediting of service from other public retirement systems in New York State.

Once an individual becomes an employee of an employer that participates in the Retirement System, he or she has the opportunity to join the System. One of the most important responsibilities of a participating employer is to ensure that each new employee is provided the opportunity to join the Retirement System at the time of his or her initial employment. Membership must continue even if the member changes to another participating employer, or changes from full- to part-time employment.

Except for persons receiving a benefit from a public retirement system administered by the State of New York or a political subdivision, public employees fall into one of two categories:

- Those for whom membership in the Retirement System is mandatory and who, therefore, must join;
  or
- Those for whom membership in the Retirement System is optional and who, therefore, may elect to decline membership, or may join by filing a membership application with the Retirement System.
Mandatory and Optional Membership

Mandatory Membership

Membership is mandatory in ERS for full-time, permanent 12-month positions, and for all police officers and paid firefighters (including part-time positions).

Prior to July 27, 1976, membership was mandatory for:

- Jobs with competitive classification. The date of membership is the date of permanent appointment.
- Jobs with non-competitive classification. The date of membership is the date of hire.

From July 27, 1976 to the present, membership is mandatory for:

- Full-time permanent 12-month positions. The date of membership is the date of full-time, permanent appointment.
- Employees eligible to join PFRSs.

There were required minimum earnings for mandatory membership for Tiers 1 and 2. Prior to April 1, 1967, the member had to earn at least $1,000; on or after April 1, 1967, the member had to earn at least $1,500.

Optional Membership

Prior to July 27, 1976, membership was optional for jobs with:

- Exempt or labor classification; or
- Competitive classification where the member is appointed temporarily or provisionally.

From July 27, 1976 to the present, membership is optional for:

- Temporary or provisional positions (under Civil Service Law);
- Employment of less than 30 hours per week, or less than the standard number of hours for full-time employment as established by the employer for this position;
- Duration of employment for less than one year, or employment on less than a 12-month per year basis; or
- Annual compensation less than the State’s minimum hourly wage multiplied by 2,000 hours.
Optional membership does not begin until the member is registered. The date of membership for optional members is the date we receive the application, or the date the employer registers the member through the telephone or fax registration process, assuming the application is immediately forwarded to us.

All employees of the State or of a participating employer, who are not mandatory members of the Retirement System, have the right to join the Retirement System. The employer must advise these individuals of this right at the time of hire. The privilege of membership cannot be withheld by an employer.

Section 45 (RSSL), effective 1986, imposes requirements on employers hiring people whose Retirement System membership is optional. Employers must, at the time of hiring, notify new employees in writing of the right to membership in the ERS.

The law also requires that each employee acknowledge having been given such notice by signing an acknowledgment and filing it with the employer. You may use the sample Section 45 document on page 3-5. Employers must keep these documents on file.

Note: Although membership is not compulsory for optional members, once they join, they can only terminate membership by terminating their public employment, provided they have less than ten years of service credit.
Prior to having an employee sign a Section 45 document, you should call our automated information line toll-free at 1-866-805-0990, or 518-474-7736 within the Albany, New York area to see if the employee already has an active membership in the System. This service is available every business day from 8:00 am – 4:00 pm. Before you call, you will need your:

- Five digit employer location code;
- Three digit employer report code;
- New employee’s Social Security number; and
- New employee’s birth date.

If they are already an active Tier 1-5 member, you must begin reporting them the next available report and submit a registration application for their employment. If they are an active Tier 6 member, you must submit a registration application for their employment in order for our Registration Unit to provide you with the appropriate reporting instructions.

In addition, you should periodically call the automated information line for non-members who work for you to ensure that the non-members have not joined with another municipality since they were hired.

A sample of a document that could be used to comply with Section 45 is illustrated on the next page.
A sample of a document that could be used to comply with Section 45 is illustrated below:

I, ________________________________, as an employee of (EMPLOYEE’S NAME)
the __________________________________ was offered the (MUNICIPALITY)
option of enrolling in the New York State and Local Employees’ Retirement System pursuant to Section 45 of the New York State Retirement and Social Security Law.

______________________________
(EMPLOYEE’S SIGNATURE)

______________________________
(CURRENT DATE)
Independent Contractors or Consultants (ERS or PFRS) 

The majority of people who provide services to the State or participating employers are considered public employees. However, there are those who provide services not as employees, but as independent contractors or consultants. These individuals may not join the Retirement System or receive service credit for consultant or independent contractor services.

To determine if a person you hired is an employee or an independent contractor, you should first determine if an employer/employee relationship exists. Regulations to help you make this determination are available on our website at [www.osc.state.ny.us/retire/employers](http://www.osc.state.ny.us/retire/employers) (Scroll to the bottom of this webpage and click on “How to Classify an Employee or Independent Contractor,” under “Reporting Information.”)

The regulations identify factors that could indicate an individual is an employee rather than an independent contractor. Some of these factors include:

- The employer controls, supervises or directs the individual as to how assigned tasks are to be performed;
- The employer sets hours to be worked and maintains time records;
- The employer prepares performance evaluations;
- The employer provides permanent work space and facilities;
- Taxes and employee benefits are deducted from the individual’s paycheck; and
- The individual is entitled to fringe benefits such as vacation, sick leave, personal leave, health insurance and grievance procedures.

The regulations also identify factors that may indicate an individual should be considered an independent contractor, including, but not limited to:

- The individual has a personal employment contract with the employer;
- The employer pays for the individual’s services through the submission of a voucher;
- The individual concurrently performs substantially the same service for other public employers; and
- The individual is also employed or associated with another entity that provides services to the employer by contract, retainer or other agreement.

These are just some of the factors you should take into consideration when classifying an individual.
The regulations require that you send us a completed Certification for Individuals Engaged in Certain Professions (RS2414) for each person you hire as an attorney, physician, engineer, architect, accountant or auditor on or after April 1, 2008. The form must be signed by your primary chief fiscal officer (CFO), alternate chief fiscal officer or chief executive officer (CEO). You can designate an alternate CFO by:

- Completing a Designation of Alternate CFO form signed by the CFO or CEO; or
- Sending a letter to our ICE Unit. The letter must be on your letterhead and signed by either your CFO or CEO. You can fax the letter to us at 518-486-3117.

You must mail a certification form to our Registration Unit by the first of the month after an individual is hired, so it reaches us before you file the first monthly report containing the employee’s salary and service.

In addition to the completed certification form, you must send us documentation supporting the individual’s appointment as an employee and your decision to report the individual to the Retirement System, as well as acceptance of the appointment by the local Civil Service Commission, where necessary. If the appointment was made by a governing board, you must submit copies of the minutes from the meeting when the appointment was made.

For individuals hired prior to April 1, 2008, you would complete a Certification for Determining Independent Contractor or Employee Status (RS2415) for persons you hired as an attorney, physician, engineer, architect, accountant or auditor. You would also complete an RS2415 for other job titles if you need to determine if an individual is an Independent Contractor or at the request of the Retirement System.

Both certification forms are available on our website at www.osc.state.ny.us/retire/employers. All forms and documentation you submit will be reviewed by the Retirement System.

If you determine an individual providing services is a public employee, that individual must be paid on your payroll, regardless of whether payment is made on a salary or a fee basis. Conversely, independent contractors or consultants should not be paid on the payroll, but in some other manner.

If a public employee becomes a Retirement System member, days worked, earnings, and contributions must be included on your retirement monthly report. Contractors and consultants should never be included on the monthly report.

If you have questions or need further assistance determining an individual’s status, you can email our Member & Employer Services Bureau at RTEmpSer@osc.state.ny.us.
Public Officers

Public officers are eligible for membership in the New York State Employees’ Retirement System. This applies regardless of whether individuals are elected or appointed as a public officer. You must give them the opportunity to join the Retirement System.

A Public Officer is a person either elected or appointed to a governmental position with the following general characteristics:

- The position is authorized by statute, resolution or charter to exercise part of the sovereign power of the governmental entity.
- The duties of the position involve the exercise of discretion on behalf of the governmental entity. If the duties of the position are routine, subordinate, advisory, or directed, then the position is more likely to be a position of employment, rather than a public office.
- The State or local enactment creating the position refers to it as an “office.”
- The position has a fixed or definite term.
- The person holding the position files an oath of office.
- The compensation for the position does not depend on the number of hours worked.
- Incumbents of the position may be compensated either through the employer’s payroll system or by voucher.
- Incumbents of the position generally must reside in the jurisdiction they are serving.

Section 10 of the Public Officer’s Law requires every public officer to take and file an oath or affirmation prior to the discharge of any of their official duties. Public officers are authorized to act in their capacity as an officer for their established term. Any public officer who is re-appointed should take and file an oath or affirmation at the beginning of each new term. In addition, these oaths of office shall be provided to the Office of the State Comptroller if requested as part of an employee/independent contractor review.

Some positions considered public offices are members of planning boards, Town or Village Justice, County Attorney and District Attorney. Other positions that may be considered a public office are Town, Village and City Attorney.

If you determine that an individual is an appointed public officer, you will need to supply as many of the four documents listed on the Certification for Individuals Engaged in Certain Professions (RS2414) and Certification for Determining Independent Contractor or Employee Status (RS2415) as possible to justify this classification. If a resolution creating the position is not available, please submit a job description and any other documents in support of the position being a public office.

If you need assistance determining if a position is a public office, please email us at PensionIntegrity@osc.state.ny.us.
Tier Status

In the Retirement System, the term “tier” refers to the particular membership status established by legislation. There are six tiers in the ERS and five tiers in the PFRS. The tier status of a member determines:

• Eligibility for benefits;
• The formula used in the calculation of benefits;
• Death benefit coverage;
• Service crediting;
• The formula used to determine final average salary;
• Whether or not a member has required contributions; and
• Member loan provisions.

Tier status is determined by the date of membership.

ERS Members

• Tier 1 — Prior to July 1, 1973
• Tier 2 — July 1, 1973 through July 26, 1976
• Tier 3 — July 27, 1976 through August 31, 1983
• Tier 4 — September 1, 1983 through December 31, 2009
• Tier 5 — January 1, 2010 through March 31, 2012
• Tier 6 — April 1, 2012 and after

All New York State correction officers and security hospital treatment assistants who join on or after July 27, 1976 through December 31, 2009 are Tier 3 members. Any security hospital treatment assistants who joined on or after August 31, 1983, but before January 1, 2010, must have elected coverage to be placed in Tier 3. If they did not make a timely election, they are in Tier 4.
PFRS Members

- Tier 1 — Prior to July 31, 1973
- Tier 2 — July 31, 1973 through June 30, 2009
- Tier 3 — July 1, 2009 through January 8, 2010*
- Tier 5 — January 9, 2010 through March 31, 2012
- Tier 6 — April 1, 2012 and after

* Article 22 (RSSL) allowed PFRS members who joined July 1, 2009 through January 8, 2010 to opt into Tier 5. These PFRS members had until May 8, 2010 to choose to be covered under Article 22 by filing an election; otherwise, they retain their coverage under Article 11 or Article 14.
Membership Registration

Individuals joining the Retirement System must complete a Membership Registration Application for the appropriate System, either form RS5420 for ERS, or PF5022 for PFRS. Individuals who are already members should complete a new application when they change employers, and Tier 6 members must complete a new application whenever they change employers. These forms may be printed from our website, ordered online or obtained by completing a Forms Order (RS1165).

Please note, if you are registering a new member of the Police and Fire Retirement System who intends to elect coverage in either a 25-year retirement plan (Section 384) or a 20-year retirement plan (Section 384-d), your employee only has one year to do so. The election forms for both the 25-year and 20-year retirement plans are on the third page of the Police and Fire Membership Application (PF5022). If your employee does not complete the election on the membership application, he or she can complete a separate election form.

You may register members by fax or telephone. You must file the actual application with the Retirement System immediately following the telephone call or fax.

Fax Registration

We provide a fax registration service to register new members. The service is available 24 hours a day, Monday through Friday, by calling 518-486-4382.

Here’s how:

1. Your employee completes the Membership Registration Application — RS5420 for Employees’ Retirement System (ERS) or PF5022 for Police and Fire Retirement System (PFRS). Please have your employee complete the form in black ink, and ensure that the application is legible.

2. Fax the first two pages of the ERS application or all four pages of the PFRS application with a cover sheet containing the date, the employer name, the sender’s name and phone number, and the fax phone number. You need only one cover sheet no matter how many applications you’re faxing at the time.

3. Mail us the completed, original membership application to:
   NYSLRS
   110 State Street
   Albany, NY 12244-0001
Until the membership application is received, we cannot complete the registration process. Our dedicated fax line is open 24 hours a day and, if you have a programmable fax, you can transmit the information anytime — even when you’re not at work! If you have any questions or if you fax us and don’t get a response within one business day, call us at 518-474-3081.

Part-time, seasonal, substitute, on-call and per diem employees are required to be on your payroll, in paid status and physically at work, the day we receive their faxed registration application. If faxed registrations are received prior to 11:59 pm the day employees are physically working in paid status, they are guaranteed a date of membership for that day.

The only exception is if the employee does not work the normal business hours of 9:00 am – 5:00 pm, but does work the afternoon shift or the weekend shift. In that case, you are required to fax us the application on the very next business day after the employee worked.

**Example:** The employee worked on Thursday, October 3, 2013 from 6:00 pm – 8:00 pm. The registration form should be faxed on Friday, October 4, 2013 stating this employee worked on Thursday, October 3, 2013 from 6:00 pm – 8:00 pm. The employee’s date of membership would then be October 3, 2013.

The member must complete a membership application form prior to being registered and you must file it with us after fax registration has occurred.

**Telephone Registration**

Save time and avoid filing adjustment reports. Call our automated information line toll-free at 1-866-805-0990, or 518-474-7736 within the Albany, New York area, to confirm your new employees’ membership status in the System. This service is available every business day from 8:00 am – 4:00 pm.

Before you call, you will need your:

- Five-digit employer location code;
- Three-digit employer report code;
- New employee’s Social Security number; and
- New employee’s birth date.
If the individual is already a member, the automated information line will indicate the System in which the member is enrolled, the first three letters of the member’s last name, his or her registration number, membership date, tier and contribution rate. We will follow up with written confirmation within seven business days. If your employee is not a member, you will be connected to our Telephone Registration Unit. Be sure to have the employee’s completed membership registration application on hand, which must include the employee’s annual wage. By law, we cannot register employees to Tier 6 without this salary information. We will provide you with a new registration number that you enter on the application. You can begin to deduct the 3 percent required contributions for Tier 3, 4 and 5 members and the appropriate percentage required for Tier 6 members to avoid possible mandatory arrears payments for these members.

Remember, however, when you register new employees to either System using the automated information line, you must also submit the original membership application so we can complete the registration process.

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**Note:** Membership applications must be filed with the Office of the State Comptroller. This can only be done by submitting applications to our office in Albany, to one of our Information Representatives at a regional consultation site or to another Office of the State Comptroller. A document submitted to you, the employer, is not considered “filed with the Comptroller” until it is received by the Comptroller. An employee’s rights and benefits depend upon prompt filing.
Beneficiary and Personal Information Changes

When members join the System, they name one or more beneficiaries to receive any death benefit that may become payable. Members may change these beneficiary designations at any time by completing a Designation of Beneficiary form (RS5127) and filing it with us. This form is available on our website at www.osc.state.ny.us/retire/forms. If you would like to keep a supply in your business or personnel office, you can order multiple copies using our online order form or mail us a completed Forms Order (RS1165).

Members who need to confirm their last named beneficiaries should review their Member Annual Statement, send us a letter requesting this information or simply file a new designation. We cannot provide beneficiary information over the telephone.

Members must notify us immediately if their name, address, Social Security number, date of birth or beneficiary needs to be changed. To do so, these procedures must be followed:

- A change in beneficiary must be made on form RS5127.
- A change in name must be made by filing a Name Change Notice (RS5483).
- A change in address, except for P.O. boxes, can be phoned in. A change to a P.O. box must be in writing.
- To change a member’s Social Security number, a photocopy of the member’s Social Security card is required.
- To change the date of birth, we need a photocopy of the member’s birth certificate or baptismal certificate.

Having the correct information on file enables us to provide members with the information they need about their retirement benefits.
Vesting

Vesting means that a member has sufficient service credit to retire and receive a benefit when he or she reaches retirement age. Chapter 389 (Laws of 1998) states that vesting occurs when a Tier 1, 2, 3 or 4 member is credited with five years of service. Tier 5 and 6 members are vested when they have been credited with ten years of service. A vested member may leave public employment and, at a later date, apply for and receive a retirement benefit. This will not make a member eligible for a disability benefit or the out-of-service death benefit. A vested individual’s membership in the Retirement System will not be terminated during the period of inactivity.

Tier 1 members may also have vested rights if they have five years of qualifying service without having five years of actual service credit. Qualifying service is based on elapsed time and number of months (including partial months) that Tier 1 members are in paid public employment. Their benefit, however, will be calculated on their actual service credit.

Before leaving public employment, a member may request an estimate to be sure that he or she has vested rights. And while vesting is automatic, receipt of retirement benefits is not. The member must contact us and apply for benefits.
Working for More Than One Employer

Members must be reported to us for all their public employment, including work with more than one participating employer. Even if a member only works part-time, if he or she is already a member of the Retirement System, each participating employer is required to report salary and service information to us.

For example, if a member who is a full-time county employee begins an additional part-time job as an employee of a participating village, the employee’s days worked and salary earned with the village must be reported to the Retirement System by the village. If the member is in Tier 3, 4 or 5 and is making 3 percent contributions, these contributions must be deducted from his or her earnings for each position and submitted to the Retirement System by each employer. For Tier 6 ERS members and most Tier 6 PFRS members, employers must deduct the appropriate percentage based on the member’s reportable gross earnings and submit them to the Retirement System. Individuals who are hired as independent contractors should never be reported, even if they have a membership through another participating employer.

To determine if your employee is a member of the Retirement System, use our automated information line (see Telephone Registration on page 3-12).
Membership in More Than One Retirement System

Employees may be members of more than one retirement system at the same time if they hold different titles or positions for each system. For example, a police officer who is a member of PFRS begins work as a part-time bus driver with a school district that participates in ERS. The employee is eligible for an optional membership in ERS. If he or she joins ERS, the bus driver earnings would be reported to ERS. Since the employee would be joining as a Tier 6 member, he or she would be required to contribute a specific percentage of the bus driver earnings. An employee may not be a member of more than one retirement system in conjunction with employment for the same title or position.

Active members of ERS and PFRS can also be members of other public retirement systems. If the member meets the eligibility requirements for a retirement benefit in each retirement system, he or she can apply for and receive benefits from both systems. However, with the exception of certain New York State Teachers’ Retirement System (NYSTRS) members, once a member begins receiving a benefit from one of the retirement systems, he or she can no longer receive service credit in the other system.
Change in Tier Status

There are three ways a member’s tier status may change:

- Transfer of membership under a different tier from another public retirement system in New York State.

- Tier reinstatement, which permits individuals who had a previous membership in a public retirement system in New York State, including ERS or PFRS, to reinstate their former date of membership and change their tier, if applicable (see page 6-7).

- The individual was not enrolled into membership on the date his or her membership was mandatory under the law.

For example: A member joined the System on September 26, 1976 as a Tier 3 member and it is later determined that he or she actually had an appointment in either a noncompetitive or permanent competitive Civil Service classification job on November 15, 1972 and earned a minimum of:

- $1,000 per year prior to April 1, 1967 or
- $1,500 per year on or after April 1, 1967.

Therefore, the person was a mandatory member as of November 15, 1972. The membership is back dated to November 15, 1972, and the member is now in Tier 1. In some cases, there may be a refund of contributions if he or she was erroneously registered as a Tier 3, 4, 5 or 6 member, but is now in a non-contributory plan in Tier 1 or 2.
Transfer of Membership

Members who join the Employees’ Retirement System or the Police and Fire Retirement System are sometimes still active members of another public retirement system in New York State. These members may be eligible to transfer their membership to NYSLRS. To transfer, members must file their request with the system from which they wish to transfer while still active members of that system. Members cannot request a transfer if they have withdrawn from that system or if their membership has been terminated due to inactivity.

Upon completion of a transfer, the date of membership becomes the earlier of the current date of membership or the date of the membership that was transferred. If applicable, the member’s tier status is also changed.

There are certain restrictions that do apply to the calculation of the retirement benefit following a transfer. For example, for a member to receive a pension benefit based on his or her transferred membership combined with the NYSLRS membership, he or she must have three years of member service credit in NYSLRS.

If a member is eligible to transfer but fails to do so, he or she may receive credit for that service in this System. There are exceptions for certain New York City service.

Transferring Between Public Retirement Systems

Members may transfer membership from one New York State public retirement system to another such system:

- New York State and Local Employees’ Retirement System
- New York State and Local Police and Fire Retirement System
- New York State Teachers’ Retirement System
- New York City Employees’ Retirement System
- New York City Teachers’ Retirement System
- New York City Police Pension Fund
- New York City Fire Department Pension Fund
- New York City Board of Education Retirement System
Members of the New York State and Local Police and Fire Retirement System may also transfer their membership to the Metropolitan Transportation Authority Police Pension Fund. Members who wish to transfer their ERS or PFRS membership to another New York State public retirement system, as listed above, should submit to us a completed Application for Transfer of Membership (RS5223).

**Transferring Service from a Public Retirement System Outside New York State**

Service with other public retirement systems outside New York State is not transferable or creditable. There is only one exception. If a member of the New York State Teachers’ Retirement System obtains credit for out-of-state service and subsequently transfers to this System, and the out-of-state service is transferred, the service will be credited in this System.

**Service with Teachers’ Insurance Annuity Association — College Retirement Equity Fund (TIAA-CREF)**

Membership in the Retirement System may only be continued if the member joins TIAA/CREF in connection with service rendered to SUNY or one of the community colleges. Service with any other employer, including the SUNY Research Foundation, may not be used as a basis for continuation of membership when the member has TIAA/CREF coverage. For further information, the member should contact the Retirement System.
Reinstating a Membership

Employees with a previously withdrawn membership in one of the following retirement systems may rejoin the Retirement System and regain their former tier status.

- New York State and Local Employees’ Retirement System
- New York State and Local Police and Fire Retirement System
- New York State Teachers’ Retirement System
- New York City Employees’ Retirement System
- New York City Teachers’ Retirement System
- New York City Police Pension Fund
- New York City Fire Department Pension Fund
- New York City Board of Education Retirement System

Members who have a previously withdrawn Tier 1 or 2 membership in one of the above retirement systems must submit a completed Application to Reinstate a Former Tier 1 or 2 Membership (RS5506) to us. Employees who have a previously withdrawn Tier 3, 4, 5 or 6 membership in the New York State Teachers’ Retirement System or one of the New York City retirement systems should advise us in writing. We contact members who have a withdrawn Tier 3, 4, 5, or 6 membership in the New York State and Local Retirement System to advise them of their eligibility to have their former date of membership and past service credit reinstated.
Changes in PFRS Employment

When a police officer or firefighter transfers or is promoted to a departmental position, the new service may not be creditable toward benefits in the 20- or 25-year special plans in PFRS. Members of the Police and Fire Retirement System should be made aware of this whenever they are offered a civilian or administrative job change which may affect their status as members of this System.

If a PFRS member accepts employment that is not applicable to that membership, but makes the member eligible for Employees’ Retirement System membership, he or she may join ERS and transfer membership and service credit from PFRS. Keep in mind that if the member’s date of membership is from July 26, 1976 through January 8, 2010, he or she must also begin to make mandatory 3 percent contributions if the individual has been a member for less than ten years or has less than ten years of service credit. If the member wants to transfer membership, the ERS employer should contact our Member & Employer Services Bureau.
Leaving Public Employment

Non-vested members (Tier 1, 2, 3 or 4 members with less than five years of service credit and Tier 5 and 6 members with less than ten years of service credit) may leave public employment and still maintain active membership for up to seven years. If they return to public employment within that seven-year period, they will continue to accrue service toward retirement. However, if a non-vested member does not return to public employment within the seven-year period, the membership will end. Any member contributions that exist will then be transferred to a non-interest bearing, non-member account. The member may, however, request a refund of the contributions by filing a Withdrawal Application (RS5014) after public employment has been terminated for at least 15 days.
Earliest Dates of Retirement by Tier for Vested Members

Vested members are eligible to retire:

**Tier 1** On the first of the month following their 55th birthday if the members are not currently on the payroll.

**Tier 2** Same as Tier 1, but the benefits of ERS members retiring prior to age 62 with less than 30 years of credit are subject to a permanent reduction. The benefits of PFRS members retiring prior to age 62 under a regular plan are also subject to a permanent reduction, regardless of service credit.

**Tier 3** On their 55th birthday. The benefits of members retiring prior to age 62 are subject to a permanent reduction for early retirement and to a second reduction, the Social Security offset, beginning at age 62. Most ERS Tier 3 members retire under Tier 4 benefits. Most PFRS Tier 3 members are covered under the provisions of Article 11 (Tier 2).

**Tier 4** On their 55th birthday. The benefits of members retiring prior to age 62 with less than 30 years of credit are subject to a permanent reduction. There is no Tier 4 in the PFRS.

**Tier 5** On their 55th birthday for ERS members. The benefits of ERS members retiring prior to age 62 are subject to a permanent reduction, even if they have 30 years of service credit (except for Uniformed Court Officers and Peace Officers employed by the Unified Court System).

On the first of the month following their 55th birthday if the PFRS member is not currently on the payroll. The benefits of PFRS members retiring prior to age 62 under a regular plan are also subject to a permanent reduction, regardless of service credit.

**Tier 6** On their 55th birthday for ERS members. The benefits of ERS members retiring prior to age 63 are subject to a permanent reduction, regardless of service credit.

For PFRS members; on their 55th birthday if they are currently on the payroll, or on their 63rd birthday if they, with at least ten years of credited service, leave the payroll prior to becoming eligible to receive retirement benefits.
Termination of Membership

Once an individual joins the Retirement System, membership cannot be terminated unless certain conditions are met:

- Upon the death of the member;
- Upon the retirement of the member;
- When the member has terminated employment for at least 30 days, has no contributions on deposit, has less than ten years of member service, and files a Withdrawal Application (RS5014) with the Comptroller;
- When the member is not vested or otherwise eligible for a benefit, and has not earned any creditable service for seven years;
- When a non-vested member who is separated from public employment for at least 15 days withdraws membership and contributions.

Once a member terminates membership, the person is no longer eligible for any benefits. Tier 3, 4, 5 and 6 members with less than ten years of service who terminate their membership may receive a refund of their required contributions, plus interest. Tier 1 or Tier 2 members with less than ten years of service who terminate their membership, may or may not have member contributions to be refunded to them [refer to pages 4-2 through 4-4].
Withdrawal of Contributions

Tier 1 and 2 members may apply for withdrawal of voluntary contributions, plus interest, any time before retirement, regardless of whether or not they are working.

Any Tier 3, 4, 5 or 6 member may apply for withdrawal of contributions after being separated from service for 15 days, provided that he or she has less than ten years of service and has not returned to public employment.

Processing a Withdrawal Application (RS5014)

To withdraw contributions, a member with less than ten years of credited service must complete a Withdrawal Application (RS5014) and have it notarized. The application may be sent to us by the member or the employer. When we issue a refund of contributions, the membership will be terminated. The withdrawn membership registration number should never be included on future monthly reports.

Effective January 1, 1993, federal income tax withholding must be taken at the rate of 20 percent on all taxable amounts withdrawn in excess of $200. If a member wishes to avoid the 20 percent withholding, he or she may request that we make a direct trustee-to-trustee transfer of the taxable portion to an IRA or other qualified retirement plan.

At the time of the member’s withdrawal of contributions, we will notify him or her as to the amount of the payment reportable for federal income tax purposes. No part of any payment made to a member from the Retirement System is subject to New York State or local income taxes. Members contemplating a direct trustee-to-trustee transfer may wish to consult with a tax advisor for additional information. Taxable payments made to members under age 55 are subject to an additional 10 percent federal income tax on the taxable portion of the payment. The 10 percent penalty is not deducted from the refund but must be part of the members’ tax return calculation.
Returning to Membership

Individuals with a previous membership in any of the New York State public retirement systems listed on page 3-19 may have their former date of membership and tier reinstated and their withdrawn service re-credited. For more information on this subject, please refer to “Service from a Previous Membership” on page 6-7.
Member Contributions

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Overview

One of the most important missions of the Retirement System is to accumulate assets to support the benefits paid to active members and to present and future retirees. Contributions made by employers and active members are carefully invested to accrue the necessary assets to pay member benefits and to help secure the financial future of each member of the Retirement System.

Members contribute to the Retirement System, as required in Tiers 3, 4, 5 and 6, and in contributory Tier 1 and Tier 2 retirement plans. Tier 1 and 2 members receive an annuity based on their contribution balance, in addition to their pension at retirement. Tier 3, 4, 5 and 6 members receive a pension benefit only. Member contributions earn five percent annual interest.

Tier 1 and 2 members covered by non-contributory plans are not required to contribute toward their retirement but may voluntarily contribute to their member account.

Members of Tier 1 or 2 may choose to withdraw voluntary contributions or borrow against required and/or voluntary contributions before the effective date of retirement. At retirement, members will receive an annuity in addition to a pension, based on contributions made. A refund of contributions or a loan will reduce or eliminate the member’s contributions. The amount of the annuity depends on the amount of the contribution balance and the member’s age at retirement. The annuity amount is included as part of the information provided to members receiving an estimate of their retirement benefits.
Required Contributions

Required contributions are:

- All contributions made by Tier 1 and 2 members participating in a contributory plan;
- Contributions for military service credit, where applicable;
- Contributions mandated by the Coordinated-Escalator (CO-ESC) Retirement Plan, Article 14 (RSSL) for Tier 3 members, or the Coordinated Retirement Plan, Article 15 (RSSL), for Tier 4 and 5 members, or Police and Fire Retirement Provisions, Article 22 (RSSL) for Tier 5 Police and Fire members.
- Contributions mandated by the Coordinated Retirement Plan Article 15 (RSSL), as modified by Chapter 18 (Laws of 2012) for Tier 6 members.

Discontinuing Required Contributions

The 3 percent salary contributions for Tier 3 and 4 members will stop when they have ten years of membership or ten years of service credit, whichever occurs first. Approximately two months before they become eligible to have their 3 percent contributions discontinued, we will provide you with a list of affected employees.
Voluntary Contributions

Under Sections 21(L) and 321(L) (RSSL), a Tier 1 or 2 member in a non-contributory plan may choose to make voluntary contributions to the System to purchase additional annuity income. Any whole percentage of gross salary from 1 percent to 10 percent may be contributed. Whether the member is in ERS and applying for 21(L), or in PFRS and applying for 321(L), a Section 21(L) Election form (RS5379) must be completed by the member and filed with the member’s payroll officer. Voluntary contributions can be stopped by filing a Cancellation of Election to Purchase Additional Annuity form (RS5378) with the payroll officer.

If a member wishes to change the percentage of voluntary contribution, a new election form (RS5379) should be completed and the procedure described above should be followed. A member may make only one election, modification or cancellation during a 12-month period.

Deductions at the designated rate begin on the next payroll following receipt of the election form by the payroll officer. You must include these voluntary contributions in your monthly report.
Refund of Excess Contributions

Members who wish to withdraw excess contributions must do so by filing an Application for Refund of Excess Contributions (RS5195) before their retirement date. A member who contributes according to Section 21(L) or 321(L) may only obtain one refund in any 12-month period.

Excess contributions are defined as:

- Voluntary contributions made by Tier 1 or 2 members in non-contributory plans;
- Contributions made by Tier 1 or 2 members who transfer from a contributory plan into a non-contributory plan in the Retirement System; or
- Contributions made by Tier 1 or 2 members already in the Retirement System who change from a contributory plan to a non-contributory plan.

Federal Tax Treatment of Refunded Excess Contributions

All refunded excess contributions receive the following treatment:

- Contributions made prior to January 1, 1987 are generally considered non-taxable.
- If the refund includes contributions made after January 1, 1987, the post-January 1, 1987 refund is separated into taxable and non-taxable portions.
- The remaining taxable portion, if refunded prior to age 59½, is reportable as ordinary income and is subject to an additional 10 percent income tax. The additional 10 percent income tax does not apply if the excess refund is paid at the time of retirement and the member is age 55 or older.
- We are required to withhold federal income tax at the rate of 20 percent from all payments with taxable portions of $200 or more, unless the member elects to roll over the taxable amount into an IRA or any other qualified plan in a direct trustee-to-trustee transfer.
- No part of any payment made to a member from the Retirement System is subject to New York State or local income taxes.
## Monthly Reporting Lump Sum Payments

<table>
<thead>
<tr>
<th>Payment Type</th>
<th>Tiers 1 &amp; 2</th>
<th>Tiers 3 &amp; 4</th>
<th>Tiers 5 &amp; 6</th>
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<td>Court Settlement</td>
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<tr>
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<tr>
<td>Workers’ Compensation</td>
<td>Refer to page 5-23</td>
<td>Refer to page 5-23</td>
<td>Refer to page 5-23</td>
</tr>
</tbody>
</table>

All payments listed above should be included on the Statement of Accrued Payments and Leave Credits form (RS6221):

* Retroactive pay for pensioners should not be included on the monthly report. These payments should be reported, in writing, to the Recalculations Unit.

** For Tier 5 and 6 ERS members, the total annual compensation paid for overtime and noncompensatory overtime in excess of the annual cap is not reportable to the Retirement System and will not be used in the calculation of the member’s final average salary. The cap for ERS Tier 5 members for calendar year 2014 is $16,882.63 and increases 3 percent for each calendar year thereafter. The cap for ERS Tier 6 members for fiscal year 2013-2014 is $15,261 and increases each fiscal year based on the Consumer Price Index. For Tier 5 and 6 PFRS members, overtime pay in excess of 15 percent of a member’s regular annual wages will not be used in the calculation of the member’s final average salary and should not be reported to us. Refer to pages 5-37 and 5-38 for more information.

For questions about reporting lump sum payments or any other miscellaneous payments, please contact the Employer Participation and Education Unit at 518-474-0167, or fax a written request to 518-474-8357.
Member Loans

Loans Available for Members

All actively employed members with at least one year of service credit and sufficient contributions on deposit may apply for a Retirement System loan. The amount of any loans granted may not bring the total outstanding loan balance to more than 75 percent of the member’s account balance.

Members who retire with outstanding loan balances will have their retirement benefit permanently reduced. They cannot pay off their loans once they retire. The amount of their pension or annuity reduction will be based upon their age and the balance of their loan at retirement.

Interest Rates

Provisions such as loan frequency, interest rates and service charges vary by tier. The interest rate on Tier 1 and 2 loans has been 5 percent and has not changed for more than 30 years. Effective April 1, 2011, the rate for Tier 3, 4, 5 and 6 member loans is 6.5 percent. Previously, the rate was 7 percent. To determine the rate for member loans and other related information, members can call our automated information line and press 1, then 1 for ERS or 2 for PFRS and lastly 1 for loan information. This service is available 24 hours a day, seven days a week.

Eligible members may apply for a loan by filing a Loan Application, form RS5025 for Tier 1 and 2 members and RS5025-A for Tier 3, 4, 5 and 6 members (covered by Article 14, 15 or 22 benefits). A loan application may not be filed after the member’s effective date of retirement.
Loan Payroll Deductions

Once a loan has been approved and a check is sent to the member, a notice is mailed to the
employer giving the amount to be deducted from the member’s salary on future payrolls. Should a
member wish to repay the loan with a lump sum payment, he or she should contact our Call Center
toll-free at 1-866-805-0990, or at 518-474-7736 if they live in the Albany, New York area, for
current payoff balances.

Loan Insurance

After 30 days, all loans are insured through the Retirement System for their full amount against
the death of the member. The premium rate is set by the Comptroller. Premium payments are charged
against the member’s contributions account for Tier 1 and 2 members, and are included in the
payment amount for Tier 3, 4, 5 and 6 members. Loan insurance is terminated when the loan is
repaid. Loans are not insured against the member’s disability or failure to pay for any reason other
than death.

A Quick Glance at the Rules for Taking a Loan

Tier 1 & 2 Members

- Minimum loan amount is $25.
- New loan may be taken every 90 days.
- No service charges.
- No loan prepayment penalties.
- Interest rate is 5 percent and is fixed for the life of the loan.
- Maximum loan is 75 percent of the contribution balance, less any outstanding
  loan balances.
- Payment must be made by payroll deduction and members may make additional
direct supplemental payments.
Tier 3, 4, 5 & 6 Members

- Maximum loan is 75 percent of the member’s contribution balance, less any outstanding loan balances.

- Minimum loan amount is $1,000. Members must have at least $1,334 in their member account for the initial loan.

- Members may receive one loan every 12 months.

- Members may apply for a new loan no sooner than two weeks before the 12-month period is up. However, the loan will be processed no sooner than the first date they are eligible for a new loan.

- A service charge is assessed for each loan and is deducted from the loan check (at publication time, the service charge is $20).

- No prepayment penalties.

- The interest is fixed for the life of the loan. For loans granted on or after April 1, 2011, the interest rate is 6.5 percent; the interest rate for loans granted before April 1, 2011, is 7 percent.

- Payment must be made by payroll deduction and members may make additional direct supplemental payments.

Federal Tax Implications for Loans

Under the provisions of the Tax Reform Act of 1986, certain loan transactions can result in a taxable loan. We will calculate the taxable amount of a loan at the time any reporting takes place, and will provide the member with a Form 1099-R to assist in preparing his or her tax return.

If a member is under age 59½ at the time any part of the loan becomes reportable, he or she may be subject to an additional 10 percent penalty tax. The federal Internal Revenue Code imposes this penalty tax on amounts reportable prior to the member attaining age 59½ or upon retirement on or after age 55.

If payments are not made every three months, or the loan is not repaid within five years, the entire amount due at the time must be reported to the IRS. The taxable amount will be treated as ordinary income for that year.
The Patriot Plan applies to men and women in active military service and allows Retirement System members in active service to defer loan repayments until their active duty has been completed. The maximum five-year repayment period for these members’ loans will be extended by the length of time they were in active duty. If members choose to defer payment, their loans will not default during their active military service. However, interest will continue to accrue on their loan balances, as required by Internal Revenue Service regulations.

A loan will also be taxable if a member retires or withdraws and has one or more outstanding loan balances at that time.

A Deferred Compensation or Tax-Sheltered Annuity Plan Loan Balance

If you offer your employees a deferred compensation or tax-sheltered annuity plan, the Internal Revenue Code requires us to consider any loan balance an employee has with these plans when calculating the taxability of a loan from our System.
Multiple Loans

IRS regulations went into effect in 2004 that changed the method for calculating the taxability of refinanced loans (combining an existing loan with a new loan) issued by the New York State and Local Retirement System. Consequently, members who have an outstanding Retirement System loan balance at the time they request a new loan must choose from two loan options:

**Refinancing** their existing loan with a new loan — In most instances, a refinanced loan will result in a higher amount being subject to federal income tax. However, the minimum repayment amount for refinanced loans is less than for multiple loans, because we add the amount of the new loan to the member’s existing loan balance. We then refinance the total amount for another five years.

**Multiple Loans** — Members can take a new, separate loan in addition to their existing loan. Multiple loans have separate five-year due dates on which the minimum payments are calculated. These minimum payments are then added together for a total minimum payment. That is why, if members take another loan under this option, they will have a higher minimum payment than if they refinance.

Reporting Loan Payments

Employers only have to report a single loan deduction for members with outstanding multiple Retirement System loans. Payments from that deduction are applied against each outstanding loan. We will notify you when to change the loan deduction amount so members can avoid underpayment — eliminating the risk of default and incurring the tax consequences.

The Loan Line

If members have questions about a Retirement System loan, they may call our automated information line toll-free at 1-866-805-0990, or 518-474-7736 if they are calling within the Albany, New York area. This service is available 24 hours a day, seven days a week. Members must use a touch-tone telephone to enter their Social Security number and date of birth.

They can find out their current loan balance, when they can apply for another loan, and their loan repayment amount. For those members who do not have an outstanding loan, they will be advised if they are eligible, how much they can borrow, and how long the process will take.

Members can also connect to a Call Center representative during regular business hours.
# Monthly Reporting

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How to Prepare the Monthly Report

Overview

Once a month, you send us information about the payments you made to employees who are Retirement System members and the number of days they worked. You also forward employee contributions, based on salary data, loan payments and payments for previous service (arrears) each month. You must include all employees with active memberships in the Retirement System on this monthly report.

You submit your reports via Retirement Internet Reporting (RIR). Only registered ERS and PFRS members should be reported. You should not report withdrawn members or retirees who have returned to work under Section 211 or 212 (RSSL). Additionally, persons working for you in the capacity of a contractor or consultant should not be reported. For detailed information that can help you determine whether someone is an employee or a contractor/consultant, please refer to pages 3-6 through 3-7.

We must receive your monthly report by the seventh day of the month following the report period. For example, the December report is due in our office by January 7th; the January report is due in our office by February 7th.

You must submit a payment with each report for the total amount of contributions, loans, and arrears withheld from your employees during the report period, or you can arrange for payments to be automatically debited from the account of your choice. If you do not take advantage of electronic debit, you must print a copy of your RIR report summary and enclose it with your check.

Mail your completed RIR report summary and signed check to:

Member & Employer Services Bureau
New York State and Local
Employees’ Retirement System or Police and Fire Retirement System
110 State Street
Albany, NY 12244-0001
Retirement Internet Reporting (RIR)

Employers submit reports using the Retirement Internet Reporting (RIR) system, which allows you to report, via a secure area on the Internet, monthly service and salary information, as well as contribution, loan and arrears payments, for employees who are members of the Retirement System. We email employers an assigned username; employers create a password to access the system.

Participating in the RIR Program

You will need to:

• Have Internet access and the ability to send and receive email;
• Have a PC with an Intel processor;
• Have Microsoft Internet Explorer 5.0 (or higher) browser software;
• Change current file format to include additional data items and expanded field sizes; and
• Mail completed forms to:
  New York State and Local Retirement System
  ERS Reporting Unit
  110 State Street
  Albany, NY 12244-0001

Getting to the RIR Webpage

Once you have created your password, go to: [www.osc.state.ny.us/retire/employers/index.php](http://www.osc.state.ny.us/retire/employers/index.php) and click on “Log On Now.”
## Retirement Internet Reporting Format

Formatted Record to be Transferred

<table>
<thead>
<tr>
<th>Name</th>
<th>Width</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location Code</td>
<td>5</td>
<td>Code assigned by the Retirement System</td>
</tr>
<tr>
<td>Report Code</td>
<td>3</td>
<td>Code assigned by the Retirement System</td>
</tr>
<tr>
<td>Year, Month, and Day Reported</td>
<td>8</td>
<td>(YYYYMMDD) — For example, December 31, 2015 would appear as 20151231</td>
</tr>
<tr>
<td>Registration Number</td>
<td>8</td>
<td>Does not include hyphen</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All PFRS members’ registration numbers must begin with 0A (zero A) or 0B (zero B)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If member does not have a registration number, he or she should not be reported</td>
</tr>
<tr>
<td>Social Security Number</td>
<td>9</td>
<td>Does not include hyphens. First 5 numbers may be X’d out (e.g., XXXX1234)</td>
</tr>
<tr>
<td>Control Initial</td>
<td>1</td>
<td>First letter of the member’s last name</td>
</tr>
<tr>
<td>Member’s Last Name</td>
<td>20</td>
<td>Suffixes such as JR., SR., III, may be included; however, they are not required.</td>
</tr>
<tr>
<td>Member’s First Name</td>
<td>20</td>
<td>Prefixes such as DR., HON., COMR. may be included; however, they are not required.</td>
</tr>
<tr>
<td>Days of Service*</td>
<td>10</td>
<td>A number between 0.00 and 99999999.99</td>
</tr>
<tr>
<td>Gross Salary*</td>
<td>10</td>
<td>A dollar amount between 0.00 and 99999999.99</td>
</tr>
<tr>
<td>Contributions*</td>
<td>10</td>
<td>A dollar amount between 0.00 and 99999999.99</td>
</tr>
<tr>
<td>Loan Payment*</td>
<td>10</td>
<td>A dollar amount between 0.00 and 99999999.99</td>
</tr>
<tr>
<td>Arrears Payment*</td>
<td>10</td>
<td>A dollar amount between 0.00 and 99999999.99</td>
</tr>
<tr>
<td>Department or Item Number</td>
<td>5</td>
<td>Any five-character/number that would aid in identifying a member</td>
</tr>
<tr>
<td>Total Characters</td>
<td>129</td>
<td></td>
</tr>
</tbody>
</table>

* Fields include explicit decimal point.
Security Forms

There are three separate security forms you must submit to participate in RIR and the Electronic Debit program.

- **User Authorization Request Form**: Request a username and password for an individual employee of your municipality. To receive this form, please call us at 518-474-1818, 518-408-4219 or 518-474-7730, or email us at RTEmpSer@osc.state.ny.us.

- **Employer Certification Form**: Certifies that the salary and service information electronically submitted is true and accurate.

- **Electronic Debit Authorization Form**: Apply to have your monthly payment to the Retirement System electronically debited from your account.

Contact Information

If you have any questions regarding RIR, please contact a member of our administrative staff:

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diane Rider</td>
<td>518-474-1818</td>
</tr>
<tr>
<td>Terry White</td>
<td>518-474-7730</td>
</tr>
<tr>
<td>Tim O’Connor</td>
<td>518-408-4216</td>
</tr>
<tr>
<td>Mike O’Connor</td>
<td>518-408-4219</td>
</tr>
</tbody>
</table>
Online Programs
User Authorization Request Form

State of New York
Office of the State Comptroller
State and Local Retirement System
Employees’ Retirement System
Police and Fire Retirement System

New York State and Local Retirement System
Employees’ Retirement System
Police and Fire Retirement System

Employer Services
NYS and Local Retirement System
110 State Street, Mail Drop 5-1
Albany, New York 12244-0001
Or fax to (518)474-9898
Telephone: (518) 402-2603

SECTION I: User Information

<table>
<thead>
<tr>
<th>Application:</th>
<th>User's Contact Type:</th>
<th>Employer Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>RIR</td>
<td>Chief Executive Officer</td>
<td></td>
</tr>
<tr>
<td>Salary &amp; Service</td>
<td>Chief Fiscal Officer</td>
<td></td>
</tr>
<tr>
<td>Post Retirement Reporting</td>
<td>Personnel Officer</td>
<td></td>
</tr>
<tr>
<td>Elected/Appointed Official</td>
<td>Civil Svce Administrator</td>
<td></td>
</tr>
<tr>
<td>Estimate/EPR</td>
<td>Payroll Contact</td>
<td></td>
</tr>
<tr>
<td>Type of request:</td>
<td>Bill Recipient</td>
<td></td>
</tr>
<tr>
<td>New user</td>
<td>Service Provider</td>
<td></td>
</tr>
<tr>
<td>Delete user</td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Employer Name: __________________________________________________________

Location Code: __________________________________________

User id (only for existing users): _____________________

Employee Name: ______________________________________________________

Employee Phone Number: ____________________________

SECTION II: Security Information

<table>
<thead>
<tr>
<th>Report code</th>
<th>Access level</th>
<th>Report code</th>
<th>Access level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Submit</td>
<td></td>
<td>Submit</td>
</tr>
<tr>
<td></td>
<td>Edit</td>
<td></td>
<td>Edit</td>
</tr>
<tr>
<td></td>
<td>Submit</td>
<td></td>
<td>Submit</td>
</tr>
<tr>
<td></td>
<td>Edit</td>
<td></td>
<td>Edit</td>
</tr>
</tbody>
</table>

SECTION III: Electronic Mail Information

Employees email address: ______________________________________________________

Additional email addresses to be notified: For report code: ________________________

For report code: __________________________________________________________

SECTION IV: Employer Authorization (To be completed by Personnel or Payroll Officer)

Name: ____________________________
Title: ____________________________

Address: ____________________________
Email address: ____________________________

City/State/Zip: ____________________________
Signature: ____________________________

Phone: ____________________________ Ext: ____________________________ Date: ____________________________
PROCEDURES FOR COMPLETING
Online Programs User Authorization Request Form
To be completed by Employer Payroll Officer

SECTION I - User Information
Indicate application:
- **RIR**: Allows you to submit your monthly retirement reports via the internet.
- **Salary & Service**: Allows you to view your employees’ reported salary & service for the previous fiscal year. This information is updated in June of each year.
- **Post Retirement Reporting**: Allows School Districts and BOCES to submit their annual report of all public retirees on their payroll during the previous calendar year as well as provide notification should a NYSLRS retiree exceed the Section 212 limit.
- **Elected & Appointed Officials**: Allows you to submit and certify the Standard Workday & Reporting Resolutions, as well as the Affidavits of Posting, for Elected & Appointed Officials as required by regulation 315.4. For answers to your questions on this regulation, please email RTEmpser@osc.state.ny.us.
- **Estimate/EPR**: Allows you to view on line your current estimated bill as well as the projection for your next bill.

Indicate type of request:
- **New User**: For individuals who do not have an account
- **Delete**: To remove a user
- **Change**: To change a user’s name, phone #, access level, etc.

Indicate Contact Type:
Select the contact type that describes your role in the organization and that may already have been supplied to us on the Employer Contact Update form.. If you fill multiple roles, select all that apply. If you are in a different role or none are applicable, select other.

Please include employer name, location code, employee name and phone number for all requests. **Username** will be assigned by the Retirement System Security Administration Team for NEW users.

SECTION II - Security Information (To be completed only if you are requesting access for RIR)
Indicate the access level the user is to have for each report code.
- **Submitter**: Authorized to create a summary record, attach a file and submit the initial report.
- **Editor**: Authorized to correct errors and warnings, re-save the corrected Report which will be re-validated.

Note: A user may have Submitter and Editor access.

SECTION III - Electronic Mail Information
Provide the user’s e-mail address. E-mail address is critical, as it will be used to communicate directly with the user regarding their account.

Additional space is provided to list other staff you wish to receive a copy of any e-mail sent to the user pertaining to each report code the user has access to.

SECTION IV - Employer Authorization
Upon completion of the request, the user will be notified via email.

Completed requests should be faxed to (518)474-9898 or mailed to:
NYS and Local Retirement System
110 State Street, Mail Drop 5-1
Albany, New York 12244-0001
Phone: (518) 402-2603
How to Report Days Worked

The number of days worked you report for your employees has a direct impact on their retirement benefits. We use days worked to determine service credit, which is the basis for benefit eligibility and, in most cases, used in the calculation of benefits.

Establishing the Standard Work Day

Before you can calculate days worked for an employee, you must first establish, by board resolution or contract, the number of hours that constitute a standard work day (SWD) for each position. SWDs can be as few as six hours per day (for Tiers 2 through 6), or as many as eight hours, and represent the amount of time per day a full-time employee in that title would be required to work. You must establish a SWD for each employee title (e.g., clerks, bus drivers, etc.) even if you only have part-time employees in that title, or the title is vacant.

You may establish different SWDs for different positions. For example, all laborers may have an eight hour SWD, all clerical workers seven and one-half hours, and all elected officials six hours. You may also establish several SWDs for the same title if the job duties vary significantly.

To set the SWD for elected and appointed officials, Regulation 315.4 of the New York Codes, Rules and Regulations (NYCRR) requires that a Standard Work Day and Reporting Resolution for Elected or Appointed Officials be completed at the election, appointment, re-election or re-appointment of these officials. See Elected and Appointed Officials on page 5-13.

Calculating Days Worked

In the simplest of terms, to calculate the number of days worked, first determine the number of hours worked and then divide those hours by the SWD. However, not all situations are that simple. The following is detailed information on how to calculate the number of days worked based on different scenarios. Please refer to the section that applies to your situation.
Employees of Counties, Cities, Towns, Villages and Miscellaneous Employers (e.g., Libraries and Authorities)

Full-time employees, those who are working the full SWD, should be reported with full-time days. Part-time employees, those who are working less than the SWD, should be reported as less than full-time — even if the hours they work are all the job requires.

To properly determine the number of days worked by a member, divide the total number of hours worked during the report period by the SWD. Remember, the number of days worked should be raised to the next highest hundredth of a day.

**Formula**

\[
\frac{\text{Number of hours worked during the report period}}{\text{Number of hours in the SWD}} = \text{Number of days worked to be reported (rounded to two decimal points)}
\]

**Example:**

62 hours worked during the report period ÷ Six Hour SWD = 10.333 rounded to two decimal points = 10.34 days worked to be reported

The number of days worked that you report should not be reduced by fully paid sick leave, vacation, personal leave, bereavement leave, holidays, or time off in lieu of payment for overtime.

If a member has reportable salary but no days worked during a report period, you must enter zeroes (0.00) in the “Days Worked” column.

**Example:**

A highway crew employee works seven and one-half hours a day in a position that has a seven and one-half hour SWD set by the employer. In a report period where two bi-weekly payrolls were paid, and the employee worked seven and one-half hours each work day.

The total number of hours worked in the reporting period is:

\[(20 \text{ days}) \times (7.5 \text{ hours per day}) = 150 \text{ hours worked}\]

The number of days reported is calculated as follows:

\[(150 \text{ hours worked}) ÷ (7.5 \text{ hour SWD}) = 20.00 \text{ days worked reported}\]
Example:
A part-time typist works four hours a day in a position that has an eight hour SWD set by the employer. The typist is paid on a monthly payroll and worked 22 days during the report period.

The total number of hours worked for the month is:

\[(22 \text{ days}) \times (4 \text{ hours per day}) = 88 \text{ hours worked}\]

The number of days reported is calculated as follows:

\[(88 \text{ hours worked}) \div (8 \text{ hour SWD}) = 11.00 \text{ days worked reported}\]

Remember, days worked reported are based on the number of hours worked not just calendar days worked.

Some employees, such as salaried employees or elected or appointed officials, do not participate in a time-keeping system, so you must use a different method to determine the number of days to report. For these positions, see Elected or Appointed Officials on page 5-13 or Employees Who Do Not Participate in a Time-Keeping System below.

Employees Who Do Not Participate in a Time-Keeping System

It is important to have documentation to substantiate the days reported to the Retirement System. There are employees who are considered salaried, work set hours and are not required by the employer to participate in a time-keeping system. These employees should follow the same instructions as elected and appointed officials and complete a record of activities to validate the days being reported. See Elected or Appointed Officials on page 5-13.

Employees of School Districts and BOCES

School districts and BOCES differ from other employers in that they have employees who may work 12 months or ten months a year. Full-time, 12-month employees should be reported in the same manner as Employees of Counties, Cities, Towns, Villages and Miscellaneous Employers (e.g. Libraries, Authorities, etc.) — see page 5-8.

For ten-month employees, determining the number of days to report on the monthly report may be different based on the pay structure. The following section illustrates how to calculate the days worked for ten-month employees.
Full-Time Ten-Month Employees Paid Over Ten Months

In certain situations, ten-month employee salaries are evenly divided based on the pay periods within the school year. Since the salary is being evenly divided per pay period over ten months, the days to be reported should also be evenly divided per pay period over the same ten months. Therefore, when report periods include days in which school is not in session, i.e. breaks and snow days, the days reported should not be reduced since the salary paid is not being reduced.

Example:

A clerical employee works full-time during the ten-month school year and her salary is paid equally each pay period. To calculate the number of days to report each month, divide the total number of days worked for the year (182) by the number of pay periods. In this example, assume there are 21 bi-weekly pay periods in the ten-month time frame. When reporting for this employee:

Determine days worked to report per pay period:

\[
182 \text{ days} \div 21 \text{ pay periods} = 8.67 \text{ days}
\]

Use the above information to determine how many days worked should be reported each month:

- **January with two pay periods:** The days worked reported equal 17.34
- **February with two pay periods:** The days worked reported equal 17.34
- **March with three pay periods:** The days worked reported equal 26.01

Even though, for example, there are not as many working days in the month of February because of the vacation week, consistent days worked and salary should still be reported. If any employees were on unpaid leave, your monthly report should reflect a reduction in their days worked and reported salary.

**Note:** For employees who decide to defer payments (so they receive a “balloon payment” in June or possibly additional money in July), do not report extra days worked in June or July. Follow the same procedure cited above for calculating days worked.
Full-Time Ten-Month Employees Paid Over 12 Months

In certain situations, employees work the ten-month school year session yet choose to be paid over 12 months. This allows employees to collect their salary throughout the entire calendar year. If this is the case, the days worked should only be reported over the ten-month school year session. You should not report any days worked in the months of July and August. For example, a ten-month cafeteria employee works full-time and has decided to collect her salary over 12 months. The days worked should be reported over the ten-month school year session. To determine the days to be reported, divide the total days for the school year session by the pay periods reflective of ten months.

Example:

In the following example, assume there are 26 bi-weekly pay periods in the 12-month time frame and 22 bi-weekly pay periods in the ten-month time frame. When reporting for this employee:

Determine days worked to report per pay period:

\[
182 \text{ days} \div 22 \text{ pay periods} = 8.28 \text{ days per pay period}
\]

Use the above information to determine how many days worked should be reported each month:

- **January with two pay periods:** The days worked reported equal 16.56
- **February with two pay periods:** The days worked reported equal 16.56
- **March with three pay periods:** The days worked reported equal 24.84
- **July with two pay periods:** The days worked reported equal 0.00
- **August with three pay periods:** The days worked reported equal 0.00

The above scenarios are for ten-month, full-time employees. If any employees were on unpaid leave, your monthly report should reflect a reduction in their days worked and reported salary.
Part-Time School Employees

If your part-time employees are paid on an hourly basis, their days worked should be calculated based on the hours worked during the reporting period. For more details, refer to the calculations for Employees of Counties, Cities, Towns, Villages and Miscellaneous Employers on page 5-8.

If your part-time employees work consistent hours and their salary is annualized, their reported days worked should be annualized as well. The same rule that applies to full-time employees, as described above, also applies to part-time employees.

1. Divide the total number of hours for the school year by the SWD to determine the total number of days worked to report for a year.

2. Divide the total number of days worked to report for a school year by the number of pay periods in that school year to determine the days worked for each pay period.

3. Multiply the days worked for each pay period by the number of pay periods in that month to determine the total days worked to report for the employee.

Acceptable Time and Attendance Systems

An acceptable system is one used by the employer to generate payroll and/or keep track of employee accruals. The system should include a signature and attestation that full hours were worked, except for time charged to accruals for vacation and other leave time. For good internal controls, the system should also include the signature of the official’s supervisor, when applicable, to certify the information is correct. (Elected officials do not have supervisors.) Examples include:

- Hard copy (paper) time sheets, signed by the official;
- Electronic time sheets submitted by the official; and
- Punch cards.
Elected and Appointed Officials

Because retirement benefits are based in part on service credit, correctly reporting the number of days worked during a reporting period helps ensure your employees receive the benefits they deserve.

Standard Work Day and Reporting Resolution

In accordance with Regulation 315.4 of the New York Codes, Rules and Regulations (NYCRR), most recently revised August 19, 2015, your governing board must establish a Standard Work Day (SWD) for each of your elected and appointed officials who are members of the Retirement System and adopt a Standard Work Day and Reporting Resolution for Elected and Appointed Officials. The resolution must contain the following:

- The title of the position;
- The number of hours in the SWD for that title – that is at least six hours, but not more than eight hours;
- The first and last name of the elected or appointed official holding the position;
- The last four digits of the Social Security number of each elected or appointed official;
- The registration number of each elected or appointed official;
- The full month, day and year of the beginning and end of the term for each elected and appointed official;
- A Record of Activities Result, (the average days worked to be used as a basis for the days per month to be reported for each official), which indicates that each elected or appointed official:
  - is a member of the Retirement System;
  - is not paid hourly;
  - does not participate in an employer’s time keeping system that consists of a daily record of actual time worked and time charged to accruals;
  - has submitted the three-month Record of Activities (ROA);
- In the event that an elected or appointed official has not submitted the three-month ROA, the employer must indicate this on the Resolution.
A sample of the Standard Work Day and Reporting Resolution for Elected and Appointed Officials form (RS2417-A) is located on page 5-19. The resolution must be adopted at the first regular meeting held after an ROA has been submitted. In the event an official has not completed, signed and submitted an ROA, a resolution must still be adopted within 180 days of taking a new or subsequent term of office.

The legislative clerk or secretary of the board must then post the resolution on its public website for at least 30 days or, if a website isn’t available to the public, on the official sign-board or at the main entrance to the clerk’s office. The publicly posted resolution must not reveal the officials’ Social Security number or registration number. A certified copy of the Standard Work Day and Reporting Resolution for Elected and Appointed Officials must be filed with the Office of the State Comptroller within 15 days after the public posting period has ended.

The information on the resolution and Affidavit of Posting can be submitted online through the Elected & Appointed Officials Reporting (EAOR) program. Users can log on to EAOR with the same username and password they use to submit their monthly reports.

Record of Activities (ROA)

Each elected or appointed official who is a member of the Retirement System and is not paid hourly or does not participate in an employer’s time keeping system that consists of a daily record of actual time worked and time charged to accruals must maintain an ROA of his or her work. In accordance with NYCRR 315.4, most recently revised August 19, 2015, each elected or appointed official must complete an ROA for three consecutive months within 150 days of the start of a new term, appointment, or at the time membership in the Retirement System begins if it occurs in the middle of a term. The official must sign the ROA attesting to its accuracy and submit the ROA to the secretary or legislative clerk of the governing body within 30 days of completion. A three-month ROA or any re-certification (RS2419) based on such record can be valid for up to eight years. Elected or appointed officials who began serving prior to August 12, 2009, are required to have a one-month ROA on file. A one-month ROA or any re-certification (RS2419) based on such record can be valid for up to eight years. See an example of one month from a three-month ROA on page 5-20.
Calculating ROA Results and Days Worked

To calculate a Record of Activities (ROA) result, you must know the Standard Work Day (SWD) for the position and the total hours recorded on the three-month ROA.

**Note:** Calculation results should be rounded **up** to the next highest hundredth, even if you would round down under normal rounding rules. For example, a result of .083 would be rounded **up** to .09.

First, follow these steps:

1. Divide the total hours worked from the ROA by three to get the average hours worked per month.

2. Next, divide the average hours worked per month by the SWD to get the average days worked per month (ROA result).

3. If the member is an elected or appointed official, you must list the ROA result on a Standard Work Day and Reporting Resolution for Elected and Appointed Officials form (RS2417-A). If the member is not an elected or appointed official, the RS2417-A form does not need to be completed.

Next, follow these steps to determine the days worked to include on the monthly report:

1. Multiply the ROA result by 12 to get the total number of days the member works in a year.

2. Then divide the total number of days worked per year by the number of pay periods in the year to arrive at the days worked per pay period. Again, calculation results should be rounded up to the next highest hundredth.

3. Use this number for each pay period on the monthly report you submit to the Retirement System, up to the maximum number of days reportable. Refer to pages 5-21 – 5-22 for further information.
Example 1:
A mayor recorded 649.75 hours on his/her ROA. The SWD is eight hours and the mayor is paid bi-weekly.

ROA result to list on the Resolution:
1. \( 649.75 \div 3 = 216.59 \), which is the average number of hours per month
2. \( 216.59 \div 8 \text{ hour SWD} = 27.08 \)
3. List 27.08 in the ROA Result column of the Resolution

Days to report on the monthly report:
1. \( 27.08 \text{ days worked per month} \times 12 \text{ months} = 324.96 \text{ days per year} \)
2. \( 324.96 \text{ days per year} \div 26 \text{ bi-weekly payrolls per year} = 12.50 \text{ days} \)
3. 10 days* should be reported for each pay period on the monthly report

* If the total days to report for the month exceeds the maximum number of days reportable, then report only the maximum number of days. For example, in months with two pays, report a maximum of 20 days. For months with three pays, the maximum is 30.

Example 2:
A board member recorded 186.25 hours on his/her ROA. The SWD is six hours and the board member is paid weekly.

ROA result to list on the Resolution:
1. \( 186.25 \div 3 = 62.09 \), which is the average number of hours per month
2. \( 62.09 \div 6 \text{ hour SWD} = 10.35 \)
3. List 10.35 in the ROA Result column of the Resolution

Days to be reported on the monthly report:
1. \( 10.35 \text{ days worked per month} \times 12 \text{ months} = 124.20 \text{ days per year} \)
2. \( 124.20 \text{ days per year} \div 52 \text{ weekly payrolls per year} = 2.39 \text{ days} \)
3. 2.39 days* should be reported for each pay period on the monthly report

* For a four pay month, 9.56 days should be reported. For a month with five pays, 11.95 days should be reported.

Note: Officials should extend their ROAs beyond three months to make up for any time they were absent during the three-month period.
If an official believes his or her initial three-month ROA is not representative of the average number of hours worked, he or she may submit a new ROA for an alternate three-month period. If an elected or appointed official begins a new term and feels a previously submitted three-month log is still representative of the time he or she actually worked, the official may certify in writing that duties, responsibilities and hours have not changed substantially. Officials must submit their written certification to the governing board no later than 180 days of taking office. For their convenience, a Recertification of the Record of Activities (RS2419) form is available on our website.

An ROA can be valid for up to eight years. At least every eight years, or if job duties change significantly, elected and appointed officials should keep a new ROA. This will ensure the correct number of days worked are reported and the appropriate service is credited.

The ROA must contain a daily detail of hours worked and duties performed that are directly related to the elected or appointed position, including official duties performed outside normal business hours. The detail of hours worked and duties performed must include the start and end time of each activity performed. The official must sign the ROA attesting to its accuracy.

Activities can include attending an employer-sponsored event, addressing constituent concerns and responding to an emergency. Activities that would not be considered work-related include time attending electoral and campaign events, time spent socializing after town board meetings, attendance at a candidate’s forum and on call time. During a period that an elected or appointed official is required to be on call, he or she may only record the time actually spent performing a work-related activity. The employer’s governing body determines whether activities listed on the ROA are official duties of the position and, if they are not, excludes the activity and time from the calculation of the average number of days worked per month.

In addition, elected and appointed officials should extend the period of their ROA by the amount of time used for vacations, illness, holidays or other reasons during the three-month period so that a full three months of active working days are reflected on the ROA.

The legislative clerk or secretary must retain each ROA for a period of at least 30 years and provide full and complete copies to the Office of the State Comptroller upon request. Failure to complete a ROA will result in the suspension of membership benefits, including Member Annual Statements, tier reinstatement, requests for previous service credit, accrual of additional service credit, benefit estimates and pension benefits.

For more information regarding Elected and Appointed Officials, please visit our Elected and Appointed Officials webpage.
BE IT RESOLVED, that the __________ Town of Willabee __________, Location code 39999, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees’ Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

<table>
<thead>
<tr>
<th>Title</th>
<th>Standard Work Day (Hrs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountant</td>
<td>8.00</td>
</tr>
<tr>
<td>Clerk</td>
<td>7.00</td>
</tr>
<tr>
<td>Bookkeeper</td>
<td>7.50</td>
</tr>
<tr>
<td>Data Collector</td>
<td>6.00</td>
</tr>
<tr>
<td>Secretary</td>
<td>7.25</td>
</tr>
<tr>
<td>Typist</td>
<td>7.50</td>
</tr>
<tr>
<td>Custodian</td>
<td>8.00</td>
</tr>
<tr>
<td>Laborers</td>
<td>8.00</td>
</tr>
</tbody>
</table>

On this _____ day of ________________, 20___

_____________________________________ Date enacted: ___________________________

(Signature of clerk)

I, __________________________________, clerk of the governing board of the ______________________________, (Name of Employer) of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the _____ day of ________________, 20__, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of ____ members, and that ____ of such members were present at such meeting and that ____ of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the

_____________________________________ (Name of Employer) (seal)

*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

See Instructions for Completing Form on Back
BE IT RESOLVED, that the ________________ / ____________ hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

<table>
<thead>
<tr>
<th>Title</th>
<th>Standard Work Day</th>
<th>Name</th>
<th>Social Security Number</th>
<th>Registration Number</th>
<th>Tier 1 (Check only if member is in Tier 1)</th>
<th>Current Term Begin &amp; End Dates</th>
<th>Record of Activities Result*</th>
<th>Not Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elected Officials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highway Superintendent</td>
<td>8.00</td>
<td>John Smith</td>
<td>0000</td>
<td>01010101-1</td>
<td>X</td>
<td>1/1/2010-12/31/2013</td>
<td></td>
<td>32.79</td>
</tr>
<tr>
<td>Receiver of Taxes</td>
<td>6.00</td>
<td>Michelle Jones</td>
<td>1111</td>
<td>0202002-2 X</td>
<td></td>
<td>1/1/2010-12/31/2014</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Appointed Officials</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning Board Member</td>
<td>7.00</td>
<td>Joseph Gray</td>
<td>3333</td>
<td>0404040-4</td>
<td></td>
<td>1/1/2010-12/31/2010</td>
<td></td>
<td>17.54</td>
</tr>
</tbody>
</table>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the ____________________, of the State of New York, on this ___ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

TO THE OFFICIALS

I, ____________________, secretary/clerk of the governing board of the ____________________, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the ______ day of __________, 20__ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.
# Example of One Month of an Elected/Appointed Official's Record of Activities

By signing below I attest to the accuracy of the information provided herein.

**Name** | **Signature** | **Title:** John Smith

**Date ROA submitted:** 5/15/16

## APRIL

<table>
<thead>
<tr>
<th>SUNDAY</th>
<th>MONDAY</th>
<th>TUESDAY</th>
<th>WEDNESDAY</th>
<th>THURSDAY</th>
<th>FRIDAY</th>
<th>SATURDAY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
<td><strong>DO NOT INCLUDE ON CALL HOURS</strong></td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>1:00 – 2:00:</td>
<td>12:00 – 3:00:</td>
<td>9:00 – 11:00:</td>
<td>9:00 – 9:30:</td>
<td>9:00 – 11:00:</td>
<td>9:00 – 12:00:</td>
<td>9:00 – 12:00:</td>
</tr>
<tr>
<td>taxpayer mtg.</td>
<td>prepare speech for 4/6 luncheon</td>
<td>routine correspondence</td>
<td>conference call with East and North Anytowns</td>
<td>prepare speech and materials for 4/11 mtg.</td>
<td>budget preparation</td>
<td>budget preparation</td>
</tr>
<tr>
<td>2:00 – 3:00:</td>
<td>3:00 – 4:00:</td>
<td>1:00 – 3:00:</td>
<td>6:00 – 7:00:</td>
<td>11:00 – 12:00:</td>
<td>12:00 – 1:00:</td>
<td>12:00 – 1:00:</td>
</tr>
<tr>
<td>return phone calls</td>
<td>return phone calls</td>
<td>guest speaker — luncheon mtg.</td>
<td>return phone calls</td>
<td>round correspondence</td>
<td>return phone calls</td>
<td>return phone calls</td>
</tr>
<tr>
<td>12:00 mid – 1:00:</td>
<td>12:00 mid – 1:00:</td>
<td>6:00 – 7:00:</td>
<td>10:00 – 1:00:</td>
<td>6:00 – 7:00:</td>
<td>4:00 – 5:00:</td>
<td>4:00 – 5:00:</td>
</tr>
<tr>
<td>emergency call re: dog warden</td>
<td>emergency call re: dog warden</td>
<td>return phone calls</td>
<td>return travel (work-related)</td>
<td>return travel (work-related)</td>
<td>return phone calls</td>
<td>return phone calls</td>
</tr>
<tr>
<td>3 hrs.</td>
<td>4 hrs.</td>
<td>5 hrs.</td>
<td>4 hrs.</td>
<td>4 hrs.</td>
<td>3 hrs.</td>
<td>2 hrs.</td>
</tr>
</tbody>
</table>

| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 8:00 – 10:00: | 9:00 – 11:00: | 9:00 – 10:00: | 9:00 – 11:00: | 9:00 – 12:00: | 9:00 – 12:00: | 9:00 – 12:00: |
| guest speaker breakfast mtg. Rotary Club | mtg. with attorney – board issues | travel to Anytown for work-related activity | finalize minutes of mtg. 4/13 and distribute | budget preparation | budget preparation | budget preparation |
| 1:00 – 2:00: | 11:00 – 12:00: | 10:00 – 1:00: | 1:00 – 3:00: | 12:00 – 1:00: | 12:00 – 1:00: | 12:00 – 1:00: |
| routine correspondence | return phone calls | mtg. with East and North Anytowns | routine correspondence | return phone calls | return phone calls | return phone calls |
| 2:00 – 3:00: | 7:00 – 10:00: | 1:00 – 2:00: | 3:00 – 4:00: | 5 hrs. | 5 hrs. | 4 hrs. |
| return phone calls | Board mtg. | return travel (work-related) | return phone calls | 3 hrs. | 3 hrs. | 2 hrs. |

| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 12:00 – 4:00: | 9:00 – 12:00: | 10:00 – 12:00: | 1:00 – 3:00: | 11:00 – 12:00: | 12:00 – 2:00: | 12:00 – 2:00: |
| 6:00 – 7:00: | 1:00 – 3:00: | 1:00 – 2:00: | 5:00 – 6:00: | 12:00 – 1:00: | 12:00 – 1:00: | 12:00 – 1:00: |
| return phone calls | preparation for mtg. 4/21 | finalize arrangements for mtg. 4/21 | return phone calls | budget mtg. | budget mtg. | return phone calls |
| 6 hrs. | 3 hrs. | 6 hrs. | 3 hrs. | 6 hrs. | 3 hrs. | 3 hrs. |

| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 5:00 – 7:00: | 9:00 – 12:00: | 11:00 – 12:00: | 9:00 – 11:00: | 12:00 – 2:00: | 12:00 – 2:00: | 12:00 – 2:00: |
| travel to mtg. site | mtg. session 1 — Solid Waste Mgmt. with muni. assn. | budget preparation | prepare for budget mtg. tonight | routine correspondence | routine correspondence | routine correspondence |
| 9:00 – 12:00: | 1:00 – 3:00: | 12:00 – 2:00: | 12:00 – 1:00: | 2:00 – 3:00: | 2:00 – 3:00: | 2:00 – 3:00: |
| mtg. session 2 | finalize mtg. notes | opening day ceremony | opening day ceremony | return phone calls | return phone calls | return phone calls |
| 5:00 – 8:00: | 3:00 – 4:00: | 3:00 – 4:00: | 3:00 – 4:00: | 3:00 – 4:00: | 3:00 – 4:00: | 3:00 – 4:00: |
| dinner session and discussion | return phone calls | return phone calls | return phone calls | return phone calls | return phone calls | return phone calls |
| 2 hrs. | 8 hrs. | 3 hrs. | 4 hrs. | 6 hrs. | 3 hrs. | 2 hrs. |

**Officials should extend their calendars beyond three months to make up for any time they were absent during the three-month period.**
Maximum Reportable Days

Employees paid on a weekly basis should be credited with a maximum of five working days per week. For monthly reports consisting of four weekly payments, you would report a maximum of 20 working days. When there are five weeks in a monthly report, 25 days would then be the maximum reported.

Employees paid on a bi-weekly basis must be reported with a maximum of 10 days worked per two-week period. When there are two bi-weekly payrolls paid in the month, report a maximum of 20 days worked. When there are three bi-weekly payrolls, report a maximum of 30 days.

Employees paid on a semi-monthly or monthly basis must be reported with a maximum of 22 days per month when the month has 31 days. For all other months, the maximum amount reportable is 21 days.
Maximum Reportable Days as Determined by Pay Frequency

<table>
<thead>
<tr>
<th>Report Frequency</th>
<th>Report Code</th>
<th>Pay Frequency</th>
<th>Maximum Reportable Days Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly</td>
<td>Report Code 10, 20 or other codes ending with the digit 0</td>
<td>Weekly</td>
<td>20 or 25</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bi-weekly</td>
<td>20 or 30</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Semi-monthly</td>
<td>21 or 22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Monthly</td>
<td>21 or 22</td>
</tr>
<tr>
<td>Quarterly</td>
<td>13 or 23</td>
<td>Quarterly</td>
<td>65</td>
</tr>
<tr>
<td>Semi-annually</td>
<td>14 or 24</td>
<td>Semi-annually</td>
<td>130</td>
</tr>
<tr>
<td>Annually</td>
<td>15 or 25</td>
<td>Annually</td>
<td>260</td>
</tr>
</tbody>
</table>

**Note:**
Time worked and paid at an overtime rate should not be included in the days worked calculation if it exceeds the maximum days in the report period. For individuals employed on a less than full-time basis, include the number of hours worked and paid that would be considered extra time. Please make sure not to report them at more than the maximum reportable days.

For Tier 1, 2, 3 & 4 ERS members, overtime salary payments should be included in the members’ gross earnings.

For Tier 5 and 6 ERS members, overtime should be reported up to the overtime cap applicable for that year — see page 5-37 and 5-38. For Tier 5 and 6 PFRS members, only overtime payments which do not exceed 15 percent of the members’ normal annual wages should be included in the members’ gross earnings.
Reporting Workers’ Compensation Benefits

Workers’ Compensation benefits can be paid to your employees in three different ways. How your employees are paid those benefits determines how you report their salary and service to us:

1. All payments made directly to the member from Workers’ Compensation, with no salary paid by employer:
   - Tier 1 — Report full salary that would have been paid and corresponding days worked for up to one year for each incident.
   - Tiers 2 through 6 — Do not report salary or days worked.

2. Part salary paid by the employer and part payments made directly to the member from Workers’ Compensation:
   - Tier 1 — Report salary paid by employer, Workers’ Compensation and corresponding days worked that would have been reported had the entire amount been paid as salary.
   - Tiers 2 through 6 — Report only salary paid by employer and the corresponding days worked.

3. Full salary paid by employer while the member is on Workers’ Compensation:
   - All Tiers — Report full salary and corresponding days worked. Salary and service should not be adjusted if an employer is later reimbursed by Workers’ Compensation.

If you have any questions, please call Employer Reporting at 518-474-7730.

Questions concerning employer billing should be directed to our Employer Billing Unit at 518-474-7573.
Adjustments and Overpayments

Making Adjustments to Salary and Days Worked

If you must make a correction to a member’s salary or days worked, or want to submit additional member contributions, you may submit these adjustments over the Internet using the Retirement Adjustment Reporting (RAR) system. You can also make corrections by sending us an Adjustment Report form (RS2050) with an Adjustment Report Label (RS2050-A).

For example, new members who have not yet been assigned a registration number should not be included in your monthly report. You must keep a detailed month-by-month record of a new member’s days worked, salary, and Retirement System deductions until you receive a registration number.

When you receive the member’s registration number, report to us the member’s salary, days worked, and normal contributions for each previous month from the date of membership to the present via RAR or on an Adjustment Report form (RS2050) with an Adjustment Report Label (RS2050-A). All current salary data, days worked, and contributions should be entered on your current online report.

Example:

A full-time dispatcher, paid on a weekly payroll, begins work five days before the end of April. Assume the last five days in April were regular full-time work days with April 30th as payday. The new member has not yet been assigned a registration number and so is not to be entered on the monthly report for April. You would begin accumulating service and salary data on the member, deducting and holding any required contributions. The dispatcher works 20 standard work days on payrolls paid during May. In May, you receive the registration number and include the member on the monthly report for May with contributions, salary and days worked for May only. For the last five days in April, salary, days worked, and contributions must be reported using Retirement Adjustment Reporting (RAR) or on an Adjustment Report form (RS2050). The accumulated service is calculated and reported as follows:

<table>
<thead>
<tr>
<th>Payrolls Paid</th>
<th>Standard Days Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>5.00</td>
</tr>
<tr>
<td></td>
<td>(Reported by RAR or on RS2050)</td>
</tr>
<tr>
<td>May</td>
<td>20.00</td>
</tr>
<tr>
<td></td>
<td>(Reported by RIR)</td>
</tr>
</tbody>
</table>
Remember, you will be charged or credited accordingly for the employer portion of all salary adjustments in a future annual billing. For detailed information on RAR, or if you have any questions regarding adjustments, please visit our [Retirement Adjustment Reporting](#) webpage or call us at 518-473-2400.

**Important Filing Reminders**

Only one report code may be used on an [RS2050 adjustment form](#). Each adjustment reported on any single form must be for the same report code.

- Adjustments for salary, days worked, and contributions must be carried to two decimal places, regardless of whether you participate in RAR or are submitting a manual Adjustment Report form (RS2050).

- If you are submitting a manual adjustment form, once the certification section has been signed, attach an [Adjustment Report Label (RS2050-A)](#) to the adjustment form and mail the report to the address listed on the top of the form.

- For manual adjustments that refer to the current monthly report, attach the adjustment form and label to the monthly report and mail together.

- Neither RAR nor the Adjustment Report form (RS2050) may be used to report any adjustment to a member’s arrears or loan payments, nor can they be used to report negative adjustments to contributions. Refer to the instructions on the back of the Adjustment form (RS2050) for requesting a refund of member contributions, or [refer to page 4-4](#).

- If you do not participate in our Electronic Debit Program (EDP), your check must be made out for the amount shown in the total (additional) contributions adjustment column. The check should be attached to the Adjustment Report. EDP participants should follow the online directions for wiring funds to us.
Returned/Refunded Transactions Report

When we are unable to process certain member transactions reported with your monthly report or your adjustment report, we notify you by sending a Returned Report Transaction list and/or a Refunded Report Transaction list.

A Returned Report Transaction list contains the following information:

- Employees who were reported under a withdrawn registration number for whom we have no active registration number on file;
- Employees who were reported with an erroneous or unacceptable registration number for whom we cannot determine the correct registration number.

A Refund Report Transaction list contains transactions with money. A check made payable to the employer is always included with this list.

The following items are on this list:

- Overpayments made; and
- Retirement deductions reported for withdrawn, retired, or deceased members or for employee transactions we are unable to process.

When you receive these lists, you should correct the problems using the instructions on the report. They will tell you how to handle each item included on the lists. Questions about these reports should be directed to our Reporting Services Unit at 518-474-7730.
Returned/Refunded Transactions Report Sample

<table>
<thead>
<tr>
<th>Refund Type</th>
<th>Member Name</th>
<th>Registration Number</th>
<th>Trans. Date</th>
<th>Days Worked</th>
<th>Salary</th>
<th>Cont.</th>
<th>Loans</th>
<th>Arrears</th>
<th>Ref. Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>030</td>
<td>John Smith</td>
<td>39999851</td>
<td>09/30/2015</td>
<td>5.08</td>
<td>234.15</td>
<td>7.02</td>
<td>0.00</td>
<td>5.00</td>
<td>5.00</td>
</tr>
<tr>
<td>030</td>
<td>Mary Jones</td>
<td>39999962</td>
<td>09/30/2015</td>
<td>20.00</td>
<td>1068.76</td>
<td>32.06</td>
<td>0.00</td>
<td>25.68</td>
<td>25.68</td>
</tr>
<tr>
<td>080</td>
<td>William Todd</td>
<td>39999999</td>
<td>09/30/2015</td>
<td>4.00</td>
<td>152.16</td>
<td>4.56</td>
<td>0.00</td>
<td>0.00</td>
<td>4.56</td>
</tr>
</tbody>
</table>

Total for Report Date: 29.08  1455.07  43.64  0.00  30.68  35.24
Total Item Count: 3
Total Refund Amount: 35.24
Amending Contribution Overpayments

Occasionally, you must recoup money for a transaction(s) reported on a monthly report. The proper procedure for correcting an overpayment made on a monthly report is:

• Send the Member & Employer Services Bureau a letter requesting a refund of the member contributions, loans, or arrears. The request must contain each member’s registration number, name, the amount of the refund, the money field type (e.g., member contributions, loans, or arrears), and the report date with which the money was associated, as well as an explanation for the refund request.

• Submit adjustments online using Retirement Adjustment Reporting (RAR) or mail us your completed Adjustment Report form (RS2050) with the Adjustment Report Label (RS2050-A). If you need to correct salary and days worked data for any member for whom a refund is being claimed, you may submit adjustments at the same time. Instructions for completing the Adjustment Report form and label are on the back of these forms.
Reportable and Non-Reportable Payments and Awards

Retroactive Payments

You must inform us of any retroactive payments paid to members already receiving retirement benefits, disability benefits, or for whom we have paid a death benefit, in writing, not on your monthly report. Your letter should include the member’s name, registration number, Social Security number, amount of payment, and the time period the retroactive payment covered. This letter should not be attached to your monthly report, but sent to the Recalculation Unit in our Benefit Calculation & Disbursement Services Bureau.

Retroactive Service Credit due to Litigation, Settlements, and Arbitration Awards

Retroactive service credit based on litigation, settlements, or arbitration can be awarded only when such actions result in the payment of retroactive salary. If you would like help drafting legal documents intended to grant retroactive service credit, contact OSC’s Legal Department at 518-474-3592.

To adjust a member’s salary or days worked due to litigation, settlement, or any arbitration award, follow the instructions under Making Adjustments to Salary and Days Worked on page 5-24. Before you submit an adjustment using RAR, we suggest you first send our Member and Employer Services Bureau a copy of the legal document for review. You will be charged for the employer portion of this adjustment in a future annual billing.
Payments Reportable on Monthly Report

Salary

The following payments should be reported to us on the monthly report:

- Payments for services rendered*
- Normal salary

*Note: For Tier 6 members, report compensation but do not take contributions from salary earned in excess of the Governor’s annual salary, currently $179,000.

- Overtime
  - Tiers 1, 2, 3, & 4: All overtime should be reported.
  - Tiers 5 & 6: Only overtime up to annual limitation (see below).

*Note: Contributions should not be taken from any overtime that is not reported.

- Tier 5 ERS limitation increases by 3 percent each calendar year (January 1 – December 31). View the Tier 5 ERS overtime limitation chart on our website at www.osc.state.ny.us/retire/employers/tier-5/ers_benefits.php.

- Tier 6 ERS limitation increases each State fiscal year (April 1 – March 31) based on the consumer price index as of December 31 of the previous year. View the Tier 6 ERS overtime limitation chart on our website at www.osc.state.ny.us/retire/employers/tier-6/ers_benefits.php.

- Tier 5 and 6 PFRS members are limited to 15 percent of their annual wage, calculated at the beginning of each calendar year. Do not report OT over the limitation.

- Cafeteria plans (see page 5-34)
- Deferred compensation
- Shift differentials
- General Municipal Law (GML) Section 207-a and 207-c payments

* Includes compensation paid for SUNY coaching services.
Lump Sum Recurring Payments

- Education pay, if paid regularly to all eligible employees
- Geographic (location pay) differentials
- Holiday pay
- Merit pay
- Longevity payments
- Lump sum payments for compensatory time (employer clarification needed)
- Top of pay grade bonuses
- Perfect attendance bonuses for non-use of sick leave (must be available to all members of bargaining unit)
- Police or correction dog care and maintenance payments
- Pre-shift briefing
- Maintenance
  - Tier 1 only: Employer clarification needed
- Production Bonus
  - All Tiers: Employer clarification needed
- Up to 30 days of unused vacation for Tier 1 members with a date of membership prior to April 1, 1972.
Payments Not Reportable on Monthly Report

Not all items considered taxable by the IRS constitute salary as defined by the Retirement and Social Security Law. The following payments should not be reported to us on the monthly report (nor should contributions be taken from these payments) and will be excluded from the retirement calculation if reported:

- The value of employee use of employer-provided vehicles
- Allowances for uniforms, or their cleaning
- Meal allowance
- Tool allowance
- Payments made in anticipation of retirement or as an inducement or incentive to retire
- Payments made in lieu of accepting fringe benefits (For example, an employer may offer payment if an employee declines health insurance.)
- Overtime payments made as a result of a person having worked his or her vacation
- Overtime that exceeds the overtime limitation for Tier 5 and Tier 6 ERS and PFRS members
- Overtime which is compensated in whole or in part by payments from private, non-governmental entities*
- Payments made for unused personal leave
- Payments made for unused sick leave
- Termination payments
- New York State Disability Insurance payments
- Payment for unused vacation for Tiers 2, 3, 4, 5 and 6 and Tier 1 members with a date of membership on or after April 1, 1972

* Service rendered to private entities is not government service and payment for such service is not regular compensation earned from a participating employer. It is not pensionable and cannot be included in the calculation of a final average salary. Please note that overtime work performed by police officers for other public employers that participate in this Retirement System, for example, a school district, should be reported to the Retirement System and is includable in the calculation of final average salary, even if the city is reimbursed by the other public entity.
Exceptions

• Report up to 30 days of unused vacation paid at retirement or termination for Tier 1 members with a date of membership prior to April 1, 1972 only.

• Include lump sum payments for unused vacation on the Statement of Accrued Payments and Leave Credits Form (RS6221), which you complete in connection with the calculation of a retirement benefit. A chart showing available types of lump sum payments appears on page 4-5.

• Retroactive payments to retired or deceased members should be reported by letter. See page 5-29 for instructions.
Cafeteria Plan Salary Reductions

Some public employers have adopted cafeteria plans (e.g., specific fringe benefits: child care, parking, dental care, etc.), as provided for in Section 125 of the Internal Revenue Code. Effective August 1993, all monthly reports submitted to the New York State and Local Employees’ Retirement System and/or the New York State and Local Police and Fire Retirement System should contain the salary as if it had not been reduced as a result of the adoption of a cafeteria plan provided under Section 125 of the Internal Revenue Code.

Prior to July 25, 1989 (for ERS members) and July 21, 1993 (for PFRS members), only the salary after reduction for these plans was reported to us. In other words, the gross salary was not used in benefit calculations. The New York State laws regarding Cafeteria Plan Salary Reductions are as follows:

Chapter 760, Laws of 1989, effective July 25, 1989, provides that any salary reduction elected pursuant to Section 125 of the Internal Revenue Code: “…by an employee who is a participant in the New York State and Local Employees’ Retirement System or the New York State Teachers’ Retirement System…shall be considered part of annual compensation for the purpose of computing employer and employee retirement contribution…”

Chapter 301 of the Laws of 1993, effective July 21, 1993, provides: “To the extent permitted by Section 125 of the Internal Revenue Code and any regulation adopted pursuant thereto, any salary reduction elected by an employee who is a participant in the New York State and Local Police and Fire Retirement System under a cafeteria plan or flexible benefit plan shall be considered part of the annual compensation for the purpose of computing employer and employee retirement plan contributions and for computing retirement benefits.”

Note: that neither Chapter 760 nor Chapter 301 applies to salary reduction plans authorized by Section 129 of the Internal Revenue Code.
Federal Tax Treatment of Member Contributions

ERS Tiers 3 through 6

Member contributions are treated as employer contributions under Section 414(h) of the Internal Revenue Code (IRC). Federal income tax on these contributions is deferred until they are distributed.

These contributions are considered wages for Social Security purposes, are subject to New York State and local income tax, and are credited to the member’s account, accruing interest.

You are required to report the total gross salary to the Retirement System.

The following provides you with additional information and how it may affect your present or future payroll processing for Section 414(h):

- Participation is mandatory for all employers, for ERS members in Tiers 3 through 6, and is not available to all Tier 1 and 2 members.

- Contributions are not reportable as wages for federal income tax purposes.

- Contributions are reportable wages for New York State and local income tax purposes and for Social Security purposes.

- Contributions are reportable as wages to the New York State and Local Retirement System.

- Contributions are calculated on the full gross salary.

- All ERS Tier 3, 4, 5 and 6 normal contributions deducted on or after July 1, 1989 are 414(h) contributions.

- Contribution records must be maintained by the participating employer.

Any questions relating to Section 414(h) contributions or reporting should be directed to the Member & Employer Services Bureau.
PFRS Tiers 3, 5 and 6 (Article 14, 15 and 22 Benefits)

On or after October 1, 2013, in accordance with IRC Section 414(h), the 3 percent contributions (for Tier 3 and 5 members) and appropriate mandatory contributions for Tier 6 members are to be deducted before taxes. For federal income tax purposes, these contributions will be treated the same as those made by ERS Tier 3, 4, 5 and 6 members. Prior to October 1, 2013, mandatory contributions for these PFRS members were deducted after taxes. IRC Section 414(h) does not apply to PFRS contributions made prior to October 1, 2013, and is not retroactive.
How to Report Overtime Compensation

Tier 5 Members

For ERS members, overtime should be reported to the Retirement System until the member has reached the overtime cap amount (see chart below) in any calendar year. For PFRS members, the cap is 15 percent of regular salary, determined at the beginning of each calendar year by multiplying the member’s regular salary by 15 percent. Effective April 1, 2012, you must not report any excess overtime for Tier 5 PFRS members (Article 22) that exceeds the limit nor deduct contributions from the excess overtime compensation.

Once the overtime cap has been reached, salary and service data must still be reported, however, compensation for overtime in excess of the cap should not be reported.

<table>
<thead>
<tr>
<th>Year</th>
<th>ERS Overtime Limit*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>2011</td>
<td>$15,450.00</td>
</tr>
<tr>
<td>2012</td>
<td>$15,913.50</td>
</tr>
<tr>
<td>2013</td>
<td>$16,390.91</td>
</tr>
<tr>
<td>2014</td>
<td>$16,882.63</td>
</tr>
<tr>
<td>2015</td>
<td>$17,389.11</td>
</tr>
<tr>
<td>2016</td>
<td>$17,910.78</td>
</tr>
<tr>
<td>2017</td>
<td>$18,448.11</td>
</tr>
<tr>
<td>2018</td>
<td>$19,001.55</td>
</tr>
<tr>
<td>2019</td>
<td>$19,571.60</td>
</tr>
<tr>
<td>2020</td>
<td>$20,158.75</td>
</tr>
</tbody>
</table>

* The maximum reportable overtime increases by 3 percent each calendar year.
Tier 6 Members

You must report overtime earnings up to the overtime cap.

For ERS members, the cap is $15,490 in the State fiscal year ending March 31, 2015, and $15,608 for State fiscal year ending March 31, 2016. This cap is adjusted annually based on the Consumer Price Index as of December 31st of the previous year. For PFRS members, the cap is 15 percent of normal salary.

Do not report overtime in excess of the cap or deduct retirement contributions from these payments. You must continue to report all non-overtime pay, days worked and any loan or arrears payments for Tier 6 members who have reached their overtime limit.

What Constitutes Overtime Payments?

For compensation to be classified as “overtime,” it must meet the following requirements (Sections 501 and 1203, RSSL):

- Compensation must have been paid under a law or policy whereby employees are paid at a rate greater than their standard rate; and

- Compensation must have been paid for additional hours worked beyond those required. For example:
  - Overtime paid at time and a half, double time, or greater;
  - Recall overtime;
  - Holiday premium pay for holidays worked; and
  - Pre-shift briefing pay.

The following are not considered payment for overtime:

- Stand-by pay;
- Inconvenience pay;
- Location pay; and
- Straight pay for holidays.
Working After Retirement; Hiring Public Retirees

If you employ a retiree of a New York State or local public employee retirement system, the payment of that individual’s retirement benefit may be affected. If the retiree is receiving a service retirement benefit, then RSSL Sections 101 (ERS) and 401 (PFRS) require that the retirement benefit be suspended unless:

- The retiree’s prospective employer obtains prior approval from the appropriate agency under Section 211 (RSSL), or
- The retiree elects to be covered by Section 212 (RSSL).

If the retiree is receiving a disability retirement benefit, then RSSL Sections 102 (ERS) and 402 (PFRS) require that the retirement benefit be reduced if the retiree is engaged in public or private gainful employment.

Chapter 640, Laws of 2008, which became effective October 7, 2008, implemented a number of important changes to both the Retirement & Social Security Law (RSSL) and State Education Law (SEL) concerning the hiring of public retirees. It requires all school districts and boards of cooperative educational services (BOCES) to:

- Provide notification when a NYSLRS retiree earns more than the Section 212 limit, which is currently $30,000.
- Annually report all public retirees (including independent contractors/consultants) on payroll during the previous calendar year.

Our online Post-Retirement Reporting program allows school districts and BOCES to comply with the reporting requirements electronically. It is a secure program and requires a username and password. School districts and BOCES can use their current Retirement Internet Reporting (RIR) or Internet Salary and Service Listing (ISS) username and password to log on. Employers that do not have a username and password should contact the Employer Services unit by email at RTEmpSer@osc.state.ny.us or by phone at 518-474-1818.

You need to be aware of the laws governing post-retirement employment if you want to hire a public retiree. **Failure to follow these laws may result in a reduction or suspension of the retiree’s pension.**
These post-retirement employment rules do not apply to retired persons or persons receiving a disability benefit who serve as jurors, inspectors of election, poll clerks or ballot clerks under the election law, notary publics, or commissioners of deeds. The term “public service,” for post-retirement employment purposes, means employment by the State of New York, one of its political subdivisions, or some other public agency. Employment by a public employer located outside of New York State (including the federal government) is not considered “public service.”

Retirement Membership (Sections 101 and 401, RSSL)

If a retiree from one of the New York State public retirement systems returns to employment, he or she may join the Retirement System under Section 101 or 401 (RSSL) only if his or her retirement benefit is suspended. The retiree will then be assigned the same tier status in the new system as was held prior to retirement. Tier 1 and 2 retirees must have one year of new service to be eligible for an active member death benefit. Therefore, the retiree may elect to either:

- Defer Retirement System membership for one year. During that year, the retiree will keep the death benefit protection if he or she elected a retirement option that pays a beneficiary. He or she will receive credit for service rendered during the year, upon enrollment; or

- Join the appropriate System on the date employment begins if he or she did not select an option which provides beneficiary protection.

Section 211 Approval

If a retiree who is receiving a service retirement benefit returns to work for a public employer with the necessary Section 211 approval, he or she can continue to receive a retirement benefit. Earnings are not limited unless the retiree returns to work for a former employer. A “former employer” is any public employer that paid the retiree a salary or compensation during the last two years before retirement and the retirement benefit was based, in part, on that salary and/or service.

Earnings from work for a former employer are subject to a set limit. This is the difference between the Single Life allowance (Option 0) and final salary. If the retiree earns over the limit, we will recover any retirement benefit overpayment and/or suspend the benefit.
As the retiree’s prospective employer, you must submit a request for Section 211 approval of employment to the appropriate agency. In most cases, this is the New York State Civil Service Commission. However, one of the following agencies may need to grant approval:

- The New York State Commissioner of Education
- The Chancellor of the State University of New York
- The Chancellor of the City University of New York
- The Chancellor of the New York City Department of Education
- The New York City Division of Citywide Personnel Services
- The Office of Court Administration

When requesting a waiver, you must prepare a detailed recruitment plan and show either that:

- There is an urgent need, as the result of an unplanned, unpredictable and unexpected vacancy, where sufficient time is not available to recruit any available non-retired personnel, or
- Extensive recruitment efforts did not find any available qualified non-retired persons.

The hiring must also be deemed to be temporary, rather than a final filling of the position.

In addition, effective October 7, 2008, retirees are prohibited from returning to work under Section 211 in the same or similar position for a period of one year following retirement. This does not apply to individuals for whom waivers were previously granted, nor does it affect a retiree’s ability to return to public employment under Section 212.

Employment may begin after approval has been obtained. Approval is granted for a specific period of time, up to a maximum of two years, after which time you may seek a renewal. If the retiree later elects to become a member of the appropriate Retirement System, no service credit will be allowed for public service performed under Section 211 approval.

Section 211 employees are not considered active members and must not be reported on monthly reports to the Retirement System.

**Note:** Any reemployment in public service that does not conform to the requirements of Section 211 and/or 212 may result in reduction or suspension of the retiree’s retirement benefit.
Section 212 Election

Under Section 212 (RSSL), a retiree collecting a service retirement benefit may be employed in public service and earn up to $30,000 during a calendar year. This limit was effective January 1, 2007, and may be revised by legislation. Please refer to the Employer Forum, check our website or contact our Call Center for any changes.

Earnings in excess of this limit may require suspending the pension or obtaining approval for employment under Section 211 (RSSL). Failure to meet either of these conditions will require the member to pay back to the System an amount equal to the retirement benefit received after he or she reached the mandated limit. If the retiree continues to work, the retirement benefit will be suspended.

For most pensioners age 65 or older, there is no limit to yearly earnings. If the retiree later elects to become a member of the appropriate System, no service credit will be allowed for public employment while covered by Section 212 (RSSL). Section 212 employees are not active members and must not be reported on monthly reports to the Retirement System.

Note: Any reemployment in public service that does not conform to the requirements of Section 211 and/or 212 may result in reduction or suspension of the retiree’s retirement benefit.

Retirees Elected or Appointed to Elective Office

If a retiree is elected or appointed to an elective position that he or she did not hold before retirement, the earnings are unlimited and will not affect the pension. For example: a member retired from a full-time school bus driving job a year ago and is collecting a pension. This year, the member was elected to city council. The council member salary is not limited and will not affect the pension.

However, if a retiree continues to work in the same elected office held before retiring, and his or her date of membership is on or after July 26, 1995, Section 212 limits will apply to earnings regardless of age. If the retiree’s date of membership is before July 26, 1995, Section 212 limits will apply to earnings only until he or she turns 65.
Public Officers

A Public Officer is a person either elected or appointed to a governmental position with the following general characteristics:

- The position is authorized by statute, resolution or charter to exercise part of the sovereign power of the governmental entity.
- The duties of the position involve the exercise of discretion on behalf of the governmental entity. If the duties of the position are routine, subordinate, advisory, or directed, then the position is more likely to be a position of employment, rather than a public office.
- The State or local enactment creating the position refers to it as an “office.”
- The position has a fixed or definite term.
- The person holding the position files an oath of office.
- The compensation for the position does not depend on the number of hours worked.
- Incumbents of the position may be compensated either through the employer’s payroll system or by voucher.
- Incumbents of the position generally must reside in the jurisdiction they are serving.

Section 10 of the Public Officer’s Law requires every public officer to take and file an oath or affirmation prior to the discharge of any of their official duties. Public officers are authorized to act in their capacity as an officer for their established term. Any public officer who is re-appointed should take and file an oath or affirmation at the beginning of each new term. In addition, these oaths of office shall be provided to the Office of the State Comptroller if requested as part of an employee/independent contractor review.

Public officers are eligible for membership in the New York State Employees’ Retirement System. This applies regardless of whether the individual is elected or appointed as a public officer. You must give them the opportunity to join the Retirement System and, if they join, you must include their days worked, earnings, and contributions on your monthly retirement report. Independent contractors, who are not public officers, are not eligible for membership.

If you determine that an individual is an appointed public officer, you will need to supply as many of the four documents listed on the Certification for Individuals Engaged in Certain Professions (RS2414) and Certification for Determining Independent Contractor or Employee Status (RS2415) as possible to justify this classification. If a resolution creating the position is not available, please submit a job description and any other documents in support of the position being a public office.
To help public officers prepare a three-month record of activities (ROA), help the Board of Directors determine the Standard Work Day for each public officer and prepare and submit Resolutions with the reporting information, see pages 5-13 through 5-20.

Some positions considered public offices are members of planning boards, Town or Village Justice, County Attorney and District Attorney. Other positions that may be considered a public office are Town, Village and City Attorney. If you need assistance determining if a position is a public office, please email us at PensionIntegrity@osc.state.ny.us.
Failure to Join the Retirement System

Retirement System membership for employees who were required to join the Retirement System, but failed to do so, will be retroactive to the date the membership became mandatory. Their tier will be based on their retroactive membership date.

You will be asked to submit adjustments, either online using Retirement Adjustment Reporting (RAR) or by mailing us an Adjustment Report form (RS2050), for all unreported service from the date of membership to the date you first began reporting the member on your monthly reports. Once these adjustments are posted to the member’s account, we will calculate any arrears due and advise the member of the amount. If the member does not elect to make a single lump sum payment for the arrears, we will instruct you to begin deducting mandatory arrears from the member’s salary. In addition, you will receive a prior year’s billing adjustment (including interest) for the salaries included on the adjustments.
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Service Credit Basics

Service credit in the Retirement System forms the basis for eligibility and calculation of benefits. These benefits include death benefits, vested rights, service retirement, disability retirement and member loans.

All full-time or part-time paid public employment, while a member of either Retirement System, is creditable. In addition, other public service, such as service prior to membership, may be creditable, depending on the retirement plan.

Rules for service credit vary by tier and depend on whether the member is employed on a full-time or part-time basis.

- Service is credited to registered members currently on the payroll of an employer participating in the Retirement System.
- The number of hours that constitutes a standard work day is established by the employer, and must be a minimum of six hours for members in Tiers 2 through 6.
- A total of 260 work days constitutes a full year, except for members who work in an educational setting on a ten-month basis (refer to page 6-5).
- A full year of service credit is given for full-time service.
- For all tiers, credit is not given for leaves of absence without pay or for any period of time during which a member does not receive salary.

Service credit is reported to all Tier 2 through 6 members on their Member Annual Statement.
Service Credit for Less than Full-time Employment

Tier 1

• If a member of Tier 1 was always part-time, he/she may possibly receive full-time service credit.

• If a Tier 1 member changes from part-time to full-time, full-time to part-time, or changes the percentage of time worked (¼ time to ½ time, etc.) the part-time service is prorated.

Qualifying Service (Tier 1 only) is based on elapsed time and the number of months (even partial months) that a member is in paid employment. Qualifying service may make a Tier 1 member eligible for vested rights, ordinary disability retirement, and a better benefit calculation for certain retirement plans.

○ Qualifying credit is given for every month of paid employment. This is true even though a Tier 1 member may have worked partial months and may not be credited with full-time service in the actual retirement benefit calculation.

For example: A Tier 1 member is employed from October 4, 1971 to October 4, 1976, and has varying amounts of part-time employment in each month of the five-year period.

○ The member has vested rights because he or she has more than five years of qualifying credit.

○ The member’s retirement calculation, however, will be based on actual time worked (less than five years).
Tiers 2 through 6

- Service credit is prorated for actual time worked if the service is less than full-time.
- Credit is determined by whichever of the following two methods results in the smaller amount of credit:

**Method 1**

- For employees paid on a daily basis, days worked equals the salary earned, divided by the full-time daily rate.
- For employees paid on an hourly basis, days worked equals salary earned, divided by the hourly rate. The resulting figure is divided by the number of hours considered in the standard day for the position.
- The days worked, as reported by the employer (six hours per day minimum, eight hours per day maximum), are then divided by 260* to give the prorated yearly credit.

**Method 2**

- Salary earned is divided by the State minimum annual salary. The State minimum annual salary is determined by multiplying the State minimum hourly wage by 2,000 hours. The State minimum hourly wage is currently $7.25.
- Service credit is calculated to two decimal places. One month equals 1/12th of a year, or 0.08 years, when calculating partial years of service credit. Annual service credit after April 1, 1982, is rounded to the next higher multiple of .05.

* See page 6-5 for employees who work in an educational setting.
Article 19

Chapter 126 (Laws of 2000) adds Article 19 to the New York State Retirement and Social Security Law. It provides eligible Tier 1 and 2 ERS members with one month of additional credit for each year of service credit they have as of their retirement date or death, up to a maximum of 24 months. To be eligible, members must have been in active service on April 1, 1999 and continued in active service through October 1, 2000.

Active service is defined as service:

- While being paid on the payroll;
- While on a leave of absence with pay;
- While on an approved leave of absence without pay; or
- Any period of time between school terms, and between September 1 and October 1, 2000, for teachers and other school employees.

The additional retirement credit provided by Article 19 does not apply to employees who:

- Retire under retirement plans that allow for a 20-year service retirement without regard to age.
- Retire under retirement plans that allow for a 25-year service retirement without regard to age and who are certified as 50 percent or more in criminal law enforcement.

The benefits of Article 19 do apply to New York State correction officers and others covered by a special 25-year plan.
Service Credit for Members in Educational Settings

Ten-Month School Employees Credit

For all other tiers, full-time ten-month school district employees (who work at least 180 days in the school year, excluding summer months), receive credit of one full year. If a school district employee works less than the employer-established full time work day (a minimum of 6 hours) during the school year, the reported work days are prorated against 180 days.

Institutional Teachers Credit

Service credit for institutional teachers is based on a 200-day school year. These teachers may receive full service credit if they work full-time for at least 200 days each year. If the member works less than full-time, the reported work days are prorated against 200 days.

College Employees Credit

College employees who work full-time for the academic year receive a full year of service credit. An academic year is 170 days. Part-time service is prorated against 170 days.
Previous Service and Arrears

Previous service is:

• Service with a participating employer before the employer joined the Retirement System;
• Service before the member’s date of membership;
• Service from a previously withdrawn membership;
• Service from another New York public retirement system; or
• Periods of military service (subject to certain conditions).

Arrears are payments the member makes to receive credit for previous service. Payment may be required, depending on tier status and the type of previous service. Certain periods of active military service may also be creditable.

Mandatory or deficiency arrears are payments that are required for service. Optional arrears are not required, but service is not credited unless purchased.

The crediting of previous service may increase the member’s retirement benefit and may make the member eligible for benefits such as vesting, death benefits, and disability retirement benefits.

To receive credit for previous service, members must send a written request to our Member & Employer Services Bureau before retirement. Their letter should include the:

• Last four digits of their Social Security number and/or their registration number;
• Employer’s name during the time period requested;
• Approximate employment dates and job title(s); and
• Name during that time, if different.

The Arrears Unit reviews all requests for crediting of previous service, determines eligibility and cost, if any, and notifies the member.
Types of Previous Service and Regulations for Crediting

Prior Service

Prior service is service with a participating employer before the employer joined the Retirement System. Prior service is creditable for Tiers 1, 2 and 3 at no cost. Tier 4, 5 and 6 members must make contributions to receive credit for prior service.

Non-member Service

Service with a participating employer prior to the member’s date of membership may be creditable to all tiers.

Contributions are required for the crediting of non-member service, depending on the member’s tier and plan coverage. In addition to any payments required, members in Tier 2 through 6 must earn a minimum of two years service in their current membership before this service can be credited.

Service from a Previous Membership

Members may be eligible to regain their previous service credit, have their former date of membership reinstated and possibly have their tier status changed if they were ever a member of one of the following public retirement systems in New York State prior to their current membership:

- New York State and Local Employees’ Retirement System
- New York State and Local Police and Fire Retirement System
- New York State Teachers’ Retirement System
- New York City Employees’ Retirement System
- New York City Teachers’ Retirement System
- New York City Police Pension Fund
- New York City Fire Department Pension Fund
- New York City Board of Education Retirement System

Members eligible for a date of membership change to Tier 1 or 2 (or to have their PFRS date of membership changed to an earlier date within their current Tier 3 or 5 membership) should complete an Application to Reinstate a Former Tier 1 or 2 Membership (RS5506).
Members eligible to return to ERS Tier 3, 4 or 5, or to have their date of membership changed to an earlier date within their current ERS Tier 3, 4, 5 or 6 membership, do not have to apply for this change. We will notify them of any cost associated with the change and give them the opportunity to accept or decline reinstatement.

**Service From Another New York State Public Retirement System**

Members who have an active membership in another public retirement system in New York State, but are not earning service credit in that system, may transfer that membership to their ERS or PFRS membership (see page 3-17). If they do this, the service transferred may be credited in the ERS or PFRS membership. The amount of service credit is determined by the other system at the time of the transfer.

*Note: Transferred service may not be creditable in special retirement plans.*

**Military Service**

Veterans may be able to receive retirement credit for military service they had in the U.S. armed forces. There are many laws and statutes (Retirement and Social Security Law, Military Law, Uniform Services Employment and Re-employment Rights Act of 1994, etc.) that dictate eligibility dates, circumstances, cost and maximum credit allowed. To find out if they qualify, members should send a copy of their Report of Transfer or Discharge Record, more familiarly known as a DD-214, along with their request to:

New York State & Local Retirement System  
Arrears Military Unit  
110 State Street  
Albany, NY 12244-0001
Veterans who were discharged from the United States Army, Navy, Air Force, Marine Corps or Coast Guard, but do not have a copy of their DD-214, can request one by visiting the National Archives and Records Administration’s website at [www.archives.gov/veterans/military-service-records](http://www.archives.gov/veterans/military-service-records) or writing to them at:

National Personnel Records Center
Military Personnel Records
9700 Page Avenue
St. Louis, MO 63132-5100

Veterans who have been separated from active service, but have Reserve status, should contact the Reserve Component of the appropriate branch of service. Veterans currently in the National Guard should contact the Adjutant General’s Office of New York State. Recently discharged National Guard members, in most cases, will not be able to get their military records from the National Personnel Records Center until six months after discharge because of required processing.

**Arrears Payments**

If they choose to purchase credit for their previous service, members have the option to pay the required contributions, plus interest (if applicable), by means of:

- A single lump sum payment; or

- Transferring funds through a direct trustee-to-trustee transfer from an eligible retirement tax-sheltered plan or account (this method can only be used for the purchase of optional service credit); or

- Payroll deductions spread over a period of time equal to or less than the number of months they are purchasing. For example, if the member is purchasing 36 months of service, the payments may be spread out for as long as 36 months. Members may elect to make supplemental lump sum payments in addition to payroll deductions.

If members request payment be made by payroll deduction, you will receive a notice from us to begin the payroll deductions. You should not begin deductions without authorization.
Members wishing to purchase retirement credit through a direct trustee-to-trustee transfer from an eligible tax-sheltered plan or account should provide their plan administrator or account custodian with a copy of the arrears cost letter and an Application for Direct Trustee-to-Trustee Transfer for Purchase of Optional Service Credit form (RS2416). The Retirement System allows transfers from the following types of retirement plans and accounts:

- 401(a) Qualified Trust
- 401(k) Plan
- 403(a) Annuity Plan
- 403(b) Tax Sheltered Annuity Plan
- 408(a) or 408(b) Traditional Individual Retirement Account or Annuity
- 457(b) Governmental Deferred Compensation Plan

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**Note:** Transfers from Inherited IRA’s, Roth IRA’s and Inherited Roth IRA’s are not permitted

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**Taxable/Non-Taxable Arrears Payments**

Mandatory arrears that are being paid for ERS service on or after July 1, 1989 are covered under Section 414(h) of the Internal Revenue Code. Mandatory arrears that are being paid for PFRS service on or after October 1, 2013 are also covered under Section 414(h). Section 414(h) arrears are the only arrears deduction to be taken pretax for federal income tax purposes; all other arrears deductions are to be taken as an after tax deduction. When taking these payments, you will still report the full gross reportable earnings to the Retirement System. However, you must reduce the amount of the member’s earnings you report to the Internal Revenue Service for federal income tax by the amount of each deduction taken. For Social Security and State and local income taxes, use the full earnings before the deductions are taken.

If the arrears the member is paying are covered under Section 414(h), the letter we send notifying you to start deductions will indicate this. If Section 414(h) is not indicated in our letter, then the arrears payments should be taken as normal after-tax arrears deductions.
Credit for Previous Service

Only service after the member’s date of membership is mandatory. All other service must be requested by the member, either on a Request for Previous Service form (RS5042), or in a written inquiry addressed to our Arrears Unit. The Arrears Unit will acknowledge the request, research the claimed service, advise the member regarding whether it is creditable or not, and provide any cost the member has to pay to secure the credit.

Crediting of Previous Service

<table>
<thead>
<tr>
<th>Type of Previous Service</th>
<th>Tier 1</th>
<th>Tier 2</th>
<th>Tier 3</th>
<th>Tiers 4, 5 &amp; 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior Service</td>
<td>No cost</td>
<td>No cost</td>
<td>No cost</td>
<td>Contributions are required and members must render two years of service in their current membership.</td>
</tr>
<tr>
<td>(before the employer joined the System)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service prior to date of membership</td>
<td>No cost for service after 4/1/60 if the member is in a non-contributory plan.</td>
<td>Same as Tier 1 and conditions* apply.</td>
<td>Contributions are required and conditions* apply.</td>
<td>Contributions are required and conditions apply; members must render two years of credited service in their current membership.</td>
</tr>
<tr>
<td>(non-member service)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service from previous membership</td>
<td>No cost for service after 4/1/60 if the member is in a non-contributory plan.**</td>
<td>No cost for service after 4/1/60 if the member is in a non-contributory plan.**</td>
<td>Contributions are required.</td>
<td>Contributions are required.</td>
</tr>
<tr>
<td>(withdrawn)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Member could be eligible for a date of membership change and possibly a tier change [see page 6-7].

** For contributory plans, it equals contribution rate times all salaries paid plus interest to date of payment.
## Costs for Purchasing Previous Service Credit

<table>
<thead>
<tr>
<th>Type of service</th>
<th>Tier 3</th>
<th>Tiers 4 &amp; 5*</th>
<th>Tier 6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prior Service</strong></td>
<td>Free</td>
<td>3 percent of salary paid plus interest to date of payment</td>
<td>6 percent of salary paid plus interest to date of payment</td>
</tr>
<tr>
<td>(before employer joined System)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-member service</strong></td>
<td>3 percent of salary paid plus interest to date of payment</td>
<td>3 percent of salary paid plus interest to date of payment</td>
<td>6 percent of salary paid plus interest to date of payment</td>
</tr>
<tr>
<td>prior to 7/27/76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-member service</strong></td>
<td>Free</td>
<td>3 percent of salary paid plus interest to date of payment</td>
<td>6 percent of salary paid plus interest to date of payment</td>
</tr>
<tr>
<td>between 7/27/76 and 12/31/76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-member service</strong></td>
<td>3 percent of salary paid plus interest to date of payment</td>
<td>3 percent of salary paid plus interest to date of payment</td>
<td>6 percent of salary paid plus interest to date of payment</td>
</tr>
<tr>
<td>on or after 1/1/77</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Withdrawn Service</strong></td>
<td>3 percent of salary paid in previous membership plus interest to date of payment</td>
<td>3 percent of salary paid in previous membership plus interest to date of repayment</td>
<td>6 percent of salary paid plus interest to date of payment</td>
</tr>
<tr>
<td>Date of Membership</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(D.O.M.) pre 7/27/76</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Withdrawn Service</strong></td>
<td>3 percent of salary paid in previous membership plus interest to date of repayment**</td>
<td>3 percent of salary paid in previous membership plus interest to date of repayment**</td>
<td>6 percent of salary paid plus interest to date of payment**</td>
</tr>
<tr>
<td>D.O.M. on or after 7/27/76</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Tier 5 uniformed court and peace officers employed by the Unified Court System are required to contribute 4 percent.

** Service from 7/27/76 to 12/31/76, if previously credited, is granted free.

**Note:** The interest rate is five percent annually.
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<td>7-24</td>
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continued on next page
Planning for Retirement

When a member begins thinking of retiring, he or she may come to you for advice on how to begin planning for retirement. Proper planning for retirement involves assessing personal needs, expectations and available financial resources, as well as gathering information to make sound decisions. Retirees face lifestyle changes, health issues, possible post-retirement employment and changes in finances. Our staff can help with some of these issues and make the transition a smooth and enjoyable experience.

Receiving Information About Retirement

- Information Representatives are available to answer questions and discuss retirement issues. Members may receive more specific information and schedule an appointment by contacting our Call Center toll-free at 1-866-805-0990 or 518-474-7736, from the Albany, New York area.

- Retirement consultations are held on business days at sites throughout the state on a regularly scheduled basis. Interviews are by appointment and can be scheduled by the member through our Call Center.

- Interviews in Albany are scheduled from 8:30 am – 4:30 pm and, at other sites, from 9:00 am – noon and 1:00 pm – 4:00 pm. For the most up-to-date consultation site schedule, please visit our website at [www.osc.state.ny.us/retire/consultation_site_offices](http://www.osc.state.ny.us/retire/consultation_site_offices).

- Members should bring to the interview a photo ID, proof of their birth date, a list of their questions, their latest Member Annual Statement, copies of any correspondence from the Retirement System, and any estimates they received.
Retirement Benefit Projection Calculator

Most members can visit our website at www.osc.state.ny.us/retire/members/projecting-your-pension.php and project their retirement benefit by entering requested information. The calculator allows members to enter different retirement dates, final average salaries and service credit totals to get an idea of how much their annual benefit will be under the various retirement options based entirely on the data they input.

The Benefit Projection Calculator is a great tool for members when planning for retirement but, for more precise figures, they should request an estimate of retirement benefits directly from the Retirement System.

This tool is currently not available to the following groups:

- ERS Tier 5 and 6 members covered by Article 15
- ERS members in a special 20- or 25-year plan
- PFRS members who joined after June 30, 2009
Benefit Projections

One of the easiest and quickest ways members can obtain their pension benefit information is to request a Benefit Projection from the Retirement System’s Call Center. A Benefit Projection is an individualized projection of a member’s pension benefits based on a variety of retirement payment options.

Based on the data available in our records, members will also receive a companion letter that contains information about a number of different topics that could impact their retirement planning, including important retirement milestones, service credit and salary related issues, the potential impact of retirement loans, and the estimated amount of any post-retirement death benefits that may be payable to their beneficiaries.

Most Tier 2, 3 and 4 members of any age with five or more years of service credit are eligible to request a Benefit Projection by calling the Call Center toll free at 1-866-805-0990 (or 518-474-7736 in the Albany, New York area). Benefit projections are based on the member’s salary and service reported to date. Actively employed members age 50 or older can also request a benefit calculation that projects additional service credit based on a date of retirement up to five years into the future.

Note: This service is currently not available to ERS members who joined on or after January 1, 2010, PFRS members, and some ERS members covered by certain plans.

Eligible members can request as many Benefit Projections as they would like, as often as they would like. Getting multiple Benefit Projections is a great way for members to compare the pension benefits they would receive based on different dates of retirement and will help them choose the retirement date that works best for them. In most cases, Benefit Projections are mailed out to the member’s home address on the next business day.

If members have questions after receiving their Benefit Projections, the Retirement System’s Call Center has trained staff available to help them. We understand the retirement process can be confusing and stressful at times, so speaking with a knowledgeable and experienced person is a great way for members to ensure they are making educated decisions about their retirement benefits.
Estimates

An Estimate of Retirement Benefits is an important informational tool for members. The estimate provides information about amounts payable under available retirement options along with a description of the options.

Members must be within 18 months of retirement eligibility to receive an estimate, and may request a new estimate whenever their circumstances change. A vested member who is off the payroll may receive an estimate regardless of age. The estimate is not an obligation to retire, it shows what the member’s post-retirement financial situation may be, based on which retirement option he or she chooses.

To receive an estimate, the member should complete a Request for Estimate form (RS6030), and include:

- All public employment, including military service;
- A date of retirement six to 18 months into the future;
- If there is a single beneficiary, the member should list that beneficiary on the back of the RS6030 form. If there is more than one beneficiary, the member should write “multiple” across this area. The beneficiary indicated on this form is not an actual designation of beneficiary. The designation will be made by the member at retirement, if an option is chosen other than the Single Life Allowance.
Information Included in the Estimate

The general estimate will show:

- The member’s Registration Number and last four digits of his or her Social Security number;
- Retirement date used for the estimate;
- Retirement plan used to calculate the benefit;
- Birth date of the member;
- Name and birth date of the anticipated beneficiary;
- Total estimated service credit;
- Final average salary;
- Contributions plus interest (if any);
- Loan balances (if any) and the permanent benefit reduction if not paid off prior to retirement;
- An estimate of the retirement benefit payable under all options available, with an explanation of each option. To receive projections of payments under Joint Allowance options, the member must include the name and birth date of just one beneficiary on the estimate request.
Sample Estimate: Tiers 1 and 2

This is an estimate for a Tier 1 member. For a Tier 2 member, early retirement reductions would apply.

TABLE 1

<table>
<thead>
<tr>
<th>Option</th>
<th>Description</th>
<th>Payment Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Life Allowance (Option 0)</td>
<td>This maximum lifetime retirement allowance pays $1,474 per month. There is no form of payment to any beneficiary after your death.</td>
<td>Annual Pension: $17,688 + Annual Annuity: $0 = Annual Allowance: $17,688</td>
</tr>
<tr>
<td>Description of Cash Refund Contributions (Option 1/2)</td>
<td>If a member dies before receiving annuity payments equal to member contributions including interest, the balance will be paid to the beneficiary. Since you have no member contributions on deposit, this option would not apply to you.</td>
<td></td>
</tr>
<tr>
<td>Cash Refund Initial Value (Option 1)</td>
<td>This reduced lifetime allowance pays $1,415 per month. If you die before receiving allowance payments equal to $238,273 the remainder will be paid to your beneficiary. If your beneficiary dies first, we will pay your Estate or another beneficiary you may name. Since each allowance payment reduces the Initial Value, there will be no remainder to your beneficiary if you die after June 22, 2025.</td>
<td>Annual Pension: $16,985 + Annual Annuity: $0 = Annual Allowance: $16,985</td>
</tr>
<tr>
<td>Joint Allowance Full (Option 2)</td>
<td>This reduced lifetime allowance pays $1,324 per month. If you die before your beneficiary, we will pay your beneficiary $1,324 per month for life. If your beneficiary dies first payments will stop at your death. Your beneficiary cannot be changed after the last day of the month in which you retire.</td>
<td>Annual Pension: $15,890 + Annual Annuity: $0 = Annual Allowance: $15,890</td>
</tr>
</tbody>
</table>
Joint Allowance Half (Option 3)  
This reduced lifetime allowance pays $1,395 per month. If you die before your beneficiary, we will pay your beneficiary $697 per month for life. If your beneficiary dies first, payments will stop at your death. Your beneficiary cannot be changed after the last day of the month in which you retire. 
Annual Pension: $16,741 + Annual Annuity: $0 = Annual Allowance: $16,741

Five Year Certain  
This reduced lifetime allowance pays $1,464 per month. If you die within five years of retirement, payments of $1,464 per month will be continued to your beneficiary for the remainder of the five year period. You may change your beneficiary any time before December 31, 2016. If you live for more than five years after retirement, all payments stop at your death. 
Annual Pension: $17,573 + Annual Annuity: $0 = Annual Allowance: $17,573

Ten Year Certain  
This reduced lifetime allowance pays $1,440 per month. If you die within ten years of retirement, payments of $1,440 per month will be continued to your beneficiary for the remainder of the ten year period. You may change your beneficiary any time before December 31, 2021. If you live for more than ten years after retirement, all payments stop at your death. 
Annual Pension: $17,284 + Annual Annuity: $0 = Annual Allowance: $17,284

Pop-Up Joint Allowance Full  
This reduced lifetime allowance pays $1,303 per month. If you die before your beneficiary, we will pay $1,303 per month to your beneficiary for life. If your beneficiary dies first, your allowance will be changed to $1,474 per month for life. Your beneficiary cannot be changed after the last day of the month in which you retire. 
Annual Pension: $15,643 + Annual Annuity: $0 = Annual Allowance: $15,643

Pop-Up Joint Allowance Half  
This reduced lifetime allowance pays $1,383 per month. If you die before your beneficiary, we will pay $691 per month to your beneficiary for life. If your beneficiary dies first, your allowance will be changed to $1,474 per month for life. Your beneficiary cannot be changed after the last day of the month in which you retire. 
Annual Pension: $16,603 + Annual Annuity: $0 = Annual Allowance: $16,603
Sample Estimate: Tiers 3 and 4 (Article 15)

NAME: 
DATE: 
REG. NO.: 
SOC. SEC. NO.: 

THIS ESTIMATE IS NOT A PRESENTATION OF THE EXACT AMOUNTS YOU WILL RECEIVE WHEN YOU RETIRE.

SHOWN BELOW ARE THE AMOUNTS PAYABLE UNDER THE VARIOUS OPTIONS AND A BRIEF DESCRIPTION OF THE OPTIONS. THE FIGURES IN THE ESTIMATE ARE BASED ON THE FOLLOWING:

RETIREMENT DATE USED: DECEMBER 31, 2014 
TOTAL SERVICE: 11.43 YEARS
TYPE OF RETIREMENT: ARTICLE 15 
FINAL AVERAGE SALARY: $32,846
DATE OF BIRTH: SEPTEMBER 8, 1950 
CONTRIBUTIONS PLUS INTEREST: $8,440

BENEFICIARY ON FILE: 
BENEFICIARY DATE OF BIRTH: MARCH 21, 1951

Single Life 
This maximum lifetime retirement allowance pays $521 per month. 
There is no form of payment to any beneficiary after your death. 
Annual Allowance: $6,257

Joint Allowance 
Full 
(Option 1) 
This option provides a reduced retirement allowance of $446 per month. It is based on your life expectancy and the life expectancy of your beneficiary. If you die before your beneficiary, your beneficiary will receive the same monthly allowance for life. If your beneficiary dies before you, all payments will stop at your death. Only one beneficiary may be named and the beneficiary cannot be changed. 
Annual Allowance: $5,359

Joint Allowance 
Partial 
(Option 2) 
This option provides a reduced monthly retirement allowance. It is based on your life expectancy and the life expectancy of your beneficiary. If you die before your beneficiary, a percentage of your retirement allowance will be paid to your beneficiary for life. If your beneficiary dies before you, all payments will stop at your death. Only one beneficiary may be named and the beneficiary cannot be changed.

<table>
<thead>
<tr>
<th></th>
<th>ANNUAL ALLOWANCES</th>
<th>MONTHLY ALLOWANCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>75%</td>
<td>$5,559</td>
<td>$463</td>
</tr>
<tr>
<td>50%</td>
<td>$5,773</td>
<td>$481</td>
</tr>
<tr>
<td>25%</td>
<td>$6,005</td>
<td>$500</td>
</tr>
</tbody>
</table>
Five Year Certain (Option 3) This option provides a reduced lifetime retirement allowance of $515 per month. If you die within five years of retirement, payments of $515 per month will be continued to your beneficiary for the remainder of the five year period. You may change your beneficiary(ies) at any time before December 31, 2016. If you live more than five years after retirement, all payments stop at your death.

Annual Allowance: $6,183

Ten Year Certain (Option 4) This option provides a reduced lifetime retirement allowance of $500 per month. If you die within ten years of retirement, payments of $500 per month will be continued to your beneficiary for the remainder of the ten year period. You may change your beneficiary(ies) any time before December 31, 2021. If you live more than ten years after retirement, all payments stop at your death.

Annual Allowance: $6,003

Pop-Up Joint Allowance Full (Option 5) This reduced lifetime allowance pays $436 per month. If you die before your beneficiary, we will pay $436 per month to your beneficiary for life. If your beneficiary dies first, your allowance will be changed to $521 per month for life. Your beneficiary cannot be changed after the last day of the month in which you retire.

Annual Allowance: $5,235

Pop-Up Joint Allowance Half (Option 5) This reduced lifetime allowance pays $475 per month. If you die before your beneficiary, we will pay $237 per month to your beneficiary for life. If your beneficiary dies first, your allowance will be changed to $521 per month for life. Your beneficiary cannot be changed after the last day of the month in which you retire.

Annual Allowance: $5,700

For Office Use: Case #: 00006
Unit ID: Unit C3
User ID: Rt019
10.341  0.8566  0.8885  0.9228  0.9598  0.9882  0.9595  0.8367  0.9111
Retirement Procedures

The items a member must file for retirement are:

- A **notarized** Application for [Service Retirement form (RS6037)](http://www.osc.state.ny.us/retire/forms);
- Proof of his or her birth date (and beneficiary’s proof, if required); and
- A **notarized** [Option Election Form](http://www.osc.state.ny.us/retire/forms).

Retirement applications can be downloaded from our website at [www.osc.state.ny.us/retire/forms](http://www.osc.state.ny.us/retire/forms). If you would like to order a supply, you can use our [Online Order Form](http://www.osc.state.ny.us/retire/forms) or complete and submit a hard copy [Forms Order (RS1165)](http://www.osc.state.ny.us/retire/forms).

On the retirement application, members must include:

- All public employment;
- Beneficiary information (This is not the actual designation of beneficiary.); and
- Their effective date of retirement.

A member’s effective date of retirement **must be on or after** the appropriate date of retirement eligibility, as determined by tier status. The Application for Service Retirement (RS6037) must be filed with us **not less** than 15, and **not more** than 90, days before the date of retirement. Proof of birth date must be filed before a benefit is paid, and the Option Election Form must be filed by the end of the month of retirement.

For payroll purposes, the member’s **last day** on the payroll **must** precede the date of retirement. For example, if a member is retiring on December 31st, the last day the member is able to work for pay is December 30th.

During the processing of the member’s retirement application, we may contact you for verification or clarification of service and salary data. We will send you a letter requesting information on lump sum payments made at retirement, unused sick leave accruals and verification of the last date of employment. For employers participating in REAP (see page 7-11), you will receive notification of your retiring employees via email. In some cases, we may ask for such data prior to the preparation of an estimate of retirement income. Prompt attention to the request allows us to provide the prospective retiree with this information in a timely manner. Usually, if we gather the data at the time an estimate is requested, we will not have to ask for it again when the member retires.
Note: Payment of a retirement benefit is not automatic, nor is it retroactive. Therefore, it is important that vested members no longer on a public payroll apply for their benefit as soon as they are eligible.

Retiring Employees Acknowledgement Program (REAP)

This program allows you to receive notice of retiring employees via email and report to us their final service, salary and accrual information using the Internet. All data is secure.

Participating employers using this program:

- Receive email notification of pending retirements;
- Prepare and submit Statement of Accrued Payments and Leave Credits online, thereby reducing manual processing, postage expense and mail delays;
- Have the opportunity to submit adjusted or corrected statements online.

To enroll in this program, please email our Benefit Calculations & Disbursement Services Bureau at REAP@osc.state.ny.us.

Withdrawing a Retirement Application

A member may withdraw his or her retirement application by a written request, or by submitting a Withdrawal of Retirement Application (RS6354), which must be received by us prior to the effective date of retirement. A withdrawal application or written request will be considered received on the postmark date if it is sent certified or registered mail. The request must be received by our office in Albany, by one of our Information Representatives at a field site, or in the Office of the State Comptroller.

A member may also fax a written withdrawal of his or her retirement application. In this case, the withdrawal date will be considered to be the date on which the fax is received, provided the original is filed after the fax is sent. A fax request is not valid unless the original is later received by us.
Proof of Birth Date

Proof of birth date is most commonly a copy of a New York State driver’s license issued after 2004. The proof is required before a retirement benefit is paid. Proof of birth date for a beneficiary is also required if the member chooses a Joint Allowance option. The National Center for Health Statistics’ website contains information for each state on where to write for vital records such as a birth certificate and the cost. Their website address is [www.cdc.gov/nchs/w2w.htm](http://www.cdc.gov/nchs/w2w.htm).

If the member does not have a New York State driver’s license issued after 2004, then one of the following may be substituted:

- Birth certificate;
- Baptismal certificate;
- Military service record (form DD-214);
- Passport or passport card;
- State or provincial enhanced driver’s license (can be used as an identity and citizenship document at land and sea border crossings between the U.S., Canada, Mexico and some Caribbean countries instead of a passport);
- Naturalization papers;
- Marriage certificate issued at least 20 years ago, if the age is shown;
- School records, if the date of birth or age as of a given date is shown.

We will send a letter acknowledging our receipt of the proof of birth date to the member. Any original items used to prove birth date will be returned to the member by certified mail.
Option Election

We will mail members an Option Election form to complete, with their choice of a retirement option. This form must be received by us no later than the end of the month in which the members are retiring. A member can change his or her option selection up to 30 days after the benefit is payable; however, for certain options, the beneficiary designation cannot be changed on or after the date of retirement. An Option Election form can also be downloaded from our website at www.osc.state.ny.us/retire/forms/index.php#options.
Calculation of Retirement Benefits

The amount of a member’s retirement benefit depends on the member’s plan, tier, final average salary, age, and total credited service. The different plans and tiers use various methods of crediting service and calculating final average salary (FAS).

Three-Year Final Average Salary (Tiers 1 through 5)

Final Average Salary is the average of the highest consecutive three-year period of usable earnings, wherever that occurs in a member’s earnings history. For most members, this is the three years of earnings immediately preceding their date of retirement. However, if a consecutive three-year period of earnings earlier in a member’s career results in a higher FAS, we will use those earnings to calculate the member’s benefit. This FAS comparison is done automatically at the time of a member’s retirement.

Limitations in the Calculation of the Three-Year Final Average Salary

Tier 1 (ERS & PFRS)

The calculation of the Final Average Salary (FAS) includes the highest average earnings during any three consecutive years. Payment for unused vacation, not to exceed 30 days, will be included in the calculation if the date of membership is before April 1, 1972, and the earnings used to calculate the FAS were those immediately preceding the member’s retirement. If the date of membership is June 17, 1971 or later, the earnings in any 12-month period cannot exceed the earnings in the previous 12-month period by more than 20 percent. Any amount in excess of this limitation will be excluded.

Tier 2 (ERS & PFRS) and Tier 3 PFRS Members Covered by Article 11

The calculation of the FAS includes the highest average earnings during any three consecutive years. Earnings in any year included in the period cannot exceed the average of the previous two years by more than 20 percent. Any amount in excess of this limitation will be excluded. Payment for unused vacation is not included in the FAS calculation.
Tier 3 PFRS Members Covered by Article 14

The calculation of the FAS includes the highest average earnings during any three consecutive years. Earnings in any year included in the period cannot exceed the average of the previous two years by more than 10 percent. Any amount in excess of this limitation will be excluded. Payment for unused vacation, not to exceed 30 days, will be included in the calculation of the FAS if the earnings used were those immediately preceding the member’s retirement.

Tiers 3, 4, and 5 ERS

The calculation of the FAS includes the highest average earnings during any three consecutive years. Earnings in any year included in the period cannot exceed the average of the previous two years by more than 10 percent. Any amount in excess of this limitation will be excluded. Payment for unused vacation, not to exceed 30 days, will be included in the calculation of the FAS if the earnings used were those immediately preceding the member’s retirement. The amount of overtime that can be included in a Tier 5 member’s FAS is limited.

Tier 5 PFRS Members Covered by Article 22

The calculation of the FAS includes the highest average earnings during any three consecutive years. Earnings in any year included in the period cannot exceed the average of the previous two years by more than 20 percent. Any amount in excess of this limitation will be excluded. Payment for unused vacation is not included in the FAS. In addition, overtime pay that exceeds 15 percent of a member’s regular annual wage cannot be used in the FAS calculation.
Five-Year Final Average Salary (Tier 6)

The calculation of the FAS includes the highest average usable earnings during any five consecutive years. For most Tier 6 members, this will be the five years of earnings immediately preceding their date of retirement. Earnings in any year included in the period cannot exceed the average of the previous four years by more than 10 percent. However, if a consecutive five-year period of earnings earlier in a member’s career results in a higher FAS, we will use those earnings to calculate the member’s benefit. This FAS comparison is done automatically at the time of a member’s retirement.

Limitations in the Calculation of the Five-Year Final Average Salary

Tier 6 (ERS & PFRS)

If the earnings in any year included in the FAS period exceed the average of the previous four years of earnings by more than 10 percent, the amount in excess of 10 percent is excluded from the computation. In addition, the following payments are also excluded:

- Payment for unused vacation;
- Overtime in excess of the annual limits (see page 5-30);
- Earned compensation reported from more than two participating employers; and
- Earned compensation which exceeds the Governor’s annual salary, currently $179,000.

Note: The three or five “years” of earnings used to calculate an FAS may not correspond to a calendar year (as reported on a W2 statement) or a New York State Fiscal Year (as reported on a Member Annual Statement). For FAS purposes, each “year” represents earnings during a time period equivalent to one full-time year of service credit.
One-Year Final Average Salary

You may elect to provide this additional benefit to your Police and Fire Retirement System employees (this benefit is not available to Tier 6 members). A one-year FAS is the regular compensation earned by a member during the 12 months of actual service immediately preceding his or her retirement date. “Regular compensation” is the employee’s base salary plus overtime (for Tier 5 members, overtime that can be used in the FAS calculation is limited to 15 percent of their base salary), holiday pay, compensatory pay and longevity pay, according to the union contract. In most instances, a one-year FAS used in the member’s retirement calculation results in a greater retirement benefit. However, we always compare the one-year FAS and the three-year FAS and pay the greater retirement benefit.

If you are interested in adopting a one-year FAS for your PFRS employees or would like more information, please contact our Member & Employer Services Bureau at 518-474-0167.

Limitations in the Calculation of the PFRS One-Year Final Average Salary

Earnings used in the calculation cannot exceed the earnings in the previous 12 months by more than 20 percent. Any amount over 20 percent will be excluded from the calculation. Payment for unused vacation is not included in the FAS. In addition, for Tier 5 members, overtime pay that exceeds 15 percent of their regular annual wage cannot be used in the FAS calculation.
Unused Sick Leave at Retirement

Unused sick leave may be added to credited service and used in the benefit calculation if the member is an employee of New York State, or if the employer has adopted Section 41-j (or 341-j for the Police and Fire Retirement System) of the RSSL.

If applicable, up to 165 days (7 1/2 months) of unused, unpaid sick leave may be credited. The credit is calculated on a 260 annual workday basis (165 days divided by 260 days = 7 1/2 months = .63 of a year additional credit).

For members in certain negotiating units, up to 200 days of unused, unpaid sick leave (generally 100 days for Tier 6 ERS members) may be credited. It is possible for these members to receive .76 of a year additional credit (200 days divided by 260 days = .76 of a year additional credit). Therefore, at the time of a member’s retirement, report to us all the unused, unpaid sick leave credited to the individual.

The additional credit cannot be used to meet eligibility requirements for retirement or for an improved benefit.
Reductions for Early Retirement — Tiers 2, 3, 4 and 5

Tier 2, 3, 4 and 5 members in regular retirement plans can retire at age 62 with full benefits, or choose to retire as early as age 55 with a reduction for early retirement. Benefit reductions are prorated by month. The closer the member’s retirement date is to age 62, the less the reduction will be. It is important for members to know that once they retire with a reduced benefit, the reduction is permanent — it does not end when the member turns 62.

Benefit reductions do not apply to ERS Tier 2, 3 or 4 members who retire between 55 and 62 with 30 or more years of service credit and to Tier 5 Uniformed Court Officers or Peace Officers employed by the Unified Court System who retire with 30 or more years of service credit. The retirement benefits of ERS Tier 5 members and PFRS Tier 2, 3 and 5 members not in special 20- or 25-year plans who retire before age 62 will be reduced — even if they have 30 years of service credit.

Tier 2, 3 and 5 police officers and firefighters covered by Section 375-i or 375-j who retire between 55 and 62 will retire with a benefit reduction unless their employer has adopted Section 375-i(p) or 375-j(p).

Tier 3 and 4 members who retire under Article 15 with less than 30 years of service may retire at age 55 with a benefit reduction but no Social Security offset.

Pensions of Tier 3 PFRS members covered by Article 14 are also reduced at age 62 by the Primary CO-ESC Social Security Retirement Benefit.
Reductions for Early Retirement — Tier 6

ERS members in regular plans can retire at age 63 with full benefits, or choose to retire as early as age 55 with a reduction for early retirement. ERS members in a special plan can retire with full benefits, regardless of age, after accruing the amount of service credit required by their plan.

PFRS members in a regular plan can retire with full benefits at age 62 or choose to retire as early as age 55 with a reduction for early retirement. PFRS members in a special 20- or 25-year plan can retire with full benefits, regardless of age, after completing 20 or 25 years of covered service, depending on their plan. PFRS members with at least ten years of service credit who leave the payroll can retire when they become eligible at age 63.

Benefit reductions are prorated by month. It is important for members to know that once they retire with a reduced benefit, the reduction is permanent — it does not end when the member turns 62 or 63.
## Benefit Reduction for Early Retirement — Tiers 2, 3, 4, 5 and 6

<table>
<thead>
<tr>
<th>Age</th>
<th>PFRS Tier 5 and 6 Benefit Reductions</th>
<th>Tier 3 — Article 14 Benefit Reductions</th>
<th>ERS Tier 5 Benefit Reductions</th>
<th>ERS Tier 6 Benefit Reductions</th>
</tr>
</thead>
<tbody>
<tr>
<td>63</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>62</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>6.5%</td>
</tr>
<tr>
<td>61</td>
<td>6%</td>
<td>6.6%</td>
<td>6.67%</td>
<td>13%</td>
</tr>
<tr>
<td>60</td>
<td>12%</td>
<td>13.3%</td>
<td>13.33%</td>
<td>19.5%</td>
</tr>
<tr>
<td>59</td>
<td>15%</td>
<td>16.6%</td>
<td>18.33%</td>
<td>26%</td>
</tr>
<tr>
<td>58</td>
<td>18%</td>
<td>20%</td>
<td>23.33%</td>
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</tr>
<tr>
<td>57</td>
<td>21%</td>
<td>23.3%</td>
<td>28.33%</td>
<td>39%</td>
</tr>
<tr>
<td>56</td>
<td>24%</td>
<td>26.6%</td>
<td>33.33%</td>
<td>45.5%</td>
</tr>
<tr>
<td>55</td>
<td>27%</td>
<td>30%</td>
<td>38.33%</td>
<td>52%</td>
</tr>
</tbody>
</table>

(Not applicable to Tier 2, 3 and 4 ERS members with 30 or more years of service credit)

Tier 3 members who retire under Article 15 have no CO-ESC reduction.
Reductions for Outstanding Loans

The annuity of Tier 1 and 2 members who retire with outstanding Retirement System loans will be permanently reduced.

Tier 3, 4, 5 and 6 members with outstanding loan balances at retirement will have a permanent reduction to their pension benefit. In addition, regardless of tier, a portion of the remaining balance of the loans at retirement may be reportable as ordinary income and subject to federal income tax.

Here are examples of how an outstanding loan balance at retirement reduces the pension benefit for ERS Tier 3, 4 and 5 members. The approximate annual reductions shown are as of January 2014.

<table>
<thead>
<tr>
<th>Age at Retirement</th>
<th>Outstanding Loan Balance</th>
<th>Annual Pension Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>$5,000</td>
<td>$309</td>
</tr>
<tr>
<td></td>
<td>$10,000</td>
<td>$618</td>
</tr>
<tr>
<td>62</td>
<td>$5,000</td>
<td>$354</td>
</tr>
<tr>
<td></td>
<td>$10,000</td>
<td>$708</td>
</tr>
</tbody>
</table>

We encourage members approaching retirement with outstanding loan balances to pay them off or at least reduce them before retiring.
**IRS Pension Limitations**

Section 401 (a)(17) of the Internal Revenue Code restricts the amount of salary that can be used in determining benefits for members joining on or after April 1, 1996. The limit is $260,000 as of April 1, 2014. The amount is set by federal law and is periodically adjusted for inflation.

Section 415 of the Internal Revenue Code limits the annual amount of certain public pensions. The limit applies only to members:

- Joining on or after January 1, 1990;
- or
- Retiring under a plan that was enacted or amended on or after October 14, 1987.

The dollar limit of Section 415 restricts the amount of the annual pension and depends on the Retirement System, age at retirement and year of retirement. Dollar limits may be increased each year by the IRS for cost-of-living adjustments. The most likely member to be affected is someone who retires at a relatively young age with a very large pension.

The Section 415 limits are usually applied to the Single Life Allowance (Option 0) benefit. The amounts payable under the various options must be determined based on the Option 0 benefit amount as limited by Section 415. However, if the member chooses one of the Joint Allowance options which provides for the continuing payment of 50 percent or more of the benefit to a beneficiary, and the beneficiary is the member’s spouse, the Section 415 limits are applied directly to the amount payable under the option selected rather than the Option 0 amount.
Excess Benefits

Retirees whose pensions are limited by Section 415 are eligible for excess benefits. An excess benefit is the difference between the full amount of a retiree’s pension under the retirement option selected before Section 415 is applied and the maximum set by Section 415.

The JPMorgan Chase Bank administers the Excess Benefit Program, but the funds come from the New York State and Local Retirement System’s Excess Plan Trust Fund. JPMorgan Chase Bank is responsible for distributing the excess benefit payments, replacing lost or stolen checks and providing retirees with the appropriate tax information at the end of the year.
Retirement Benefit Payments

Retirement benefits are paid monthly to retirees. The first retirement payment is generally made six to eight weeks after the date of a member’s retirement. If we are unable to complete calculations in the “first retirement payment” period, the member will receive a partial payment approximately 30 days after the first payment was due.

While we complete the calculation process, most members are eligible to receive advance checks — partial payments that are approximately 90 percent of what their monthly pension will be once it is finalized. On average, the typical member should expect to receive three to five advance payments from us before the final calculation of the retirement benefit is completed.

A retroactive payment is sent along with a letter that explains the retirement benefit calculation.

The payments are subject to federal tax, but not to New York State or local income taxes. Retirees may change their tax status any time by filing a new W-4P form, available through our website at [www.osc.state.ny.us/retire/forms/form_w-4p.pdf](http://www.osc.state.ny.us/retire/forms/form_w-4p.pdf) or by contacting our Call Center toll-free at 1-866-805-0990 or (518) 474-7736 within the Albany, NY area.

Regular retirement checks are mailed the second to last business day of each month.

Direct Deposit is available to all retirees who reside in the U.S. Retirees residing outside the U.S. may be able to use this service if their bank has a branch in this country. By using direct deposit, the payment is automatically posted to the retiree’s bank account on the last business day of the month. Enrollment forms and information regarding this program are mailed to members when they file for retirement. For additional information about direct deposit enrollment, retirees should contact our Call Center or visit our website at [www.osc.state.ny.us/retire/retirees/direct-deposit-program.php](http://www.osc.state.ny.us/retire/retirees/direct-deposit-program.php).
Retirement Options

At the time of retirement, members must choose a retirement option. There are a variety of options from which to choose, and all will provide a lifetime benefit. There is no single retirement option that works “best” in all circumstances. Each member’s option selection should be based on his or her individual needs and circumstances.

Choosing a retirement option is an extremely important decision. The costs and potential benefits involved in this decision are significant, and the option selected can only be changed up to 30 days after the benefit becomes payable.

Although choosing an option other than the Single Life Allowance option would possibly provide for a beneficiary after the member’s death, it would also result in a permanent reduction of the member’s monthly benefit. In addition, under some options, once a beneficiary is selected and the benefit becomes payable, the beneficiary may not be changed.

Retirement options are described on estimates, in plan booklets and on Member Annual Statements. Members may wish to speak with an Information Representative to discuss their retirement plans, including their retirement option selection.

Retirement Option Descriptions

Common to all options:

- The retiree will be paid a monthly benefit for life.
- Retirees can change their option selection up to 30 days after their benefit is payable.

Single Life Allowance

This is the basic retirement benefit. It provides the maximum benefit to retirees each month for the rest of their lives. Under this selection, all payments cease upon the retiree’s death. When the retiree dies (even if it is only one year, or sooner, after retiring), nothing will be paid to any beneficiary.
Cash Refund — Contributions

(Available to Tier 1 and Tier 2 members who have annuity savings contributions on deposit)

This option will provide retirees with a reduced monthly benefit for their lifetime. Upon their death, the unpaid balance of their accumulated annuity savings contributions will be paid to their beneficiary or estate. If all of their accumulated annuity savings contributions have been expended, all payments will cease upon their death.

The remainder of the pension portion of the benefit will not be paid to the beneficiary. The most a beneficiary can possibly receive is an amount equal to the annuity savings contributions on deposit. More than one beneficiary may be designated and retirees may change the beneficiary at any time.

Cash Refund — Initial Value

(Available to Tier 1 members only)

This option will provide retirees with a reduced monthly benefit for their lifetime. It guarantees that if retirees die before receiving retirement benefit payments that equal the initial value of their benefit, the balance of the initial value will be paid to their beneficiary or estate in a lump sum. “Initial value” is an actuarial term for the value of their retirement benefit at the time of retirement.

If retirees live long enough, they will receive their initial value amount and more in their monthly retirement benefit. However, if they die after the full initial value amount has been paid out to them, no benefit is payable to their beneficiary.

More than one beneficiary may be designated and retirees may change their beneficiary at any time.

Five Year Certain

This option will provide retirees with a reduced monthly benefit for their lifetime, with the additional guarantee that if they live for less than five years after retirement, payments in the same amount the retiree was receiving (without COLA) will be made to their beneficiary for the balance of the five-year period. Retirees may change their beneficiary within the five-year period.

If the beneficiary dies before the five-year period is over and a new beneficiary is not named, any amount payable upon the retiree’s death will be paid to the estate.
Ten Year Certain

This option will provide retirees with a reduced monthly benefit for their lifetime, with the additional guarantee that if they live for less than ten years after retirement, payments in the same amount the retiree was receiving (without COLA) will be made to their beneficiary for the balance of the ten-year period. Retirees may change their beneficiary within the ten-year period.

If the beneficiary dies before the ten-year period is over and a new beneficiary is not named, any amount payable upon the retiree’s death will be paid to the estate.

Joint Allowance — Full*

This option will provide retirees with a reduced monthly benefit for their lifetime, and is based on their birth date and that of their beneficiary. After the retiree’s death, the beneficiary will receive the same monthly amount the retiree was receiving (without COLA) for life. If the beneficiary dies before the retiree, all payments will cease upon the retiree’s death.

Joint Allowance — Half*

(Available to Tier 1 and Tier 2 members)

This option will provide retirees with a reduced monthly benefit for their lifetime, and is based on their birth date and that of their beneficiary. After the retiree’s death, the beneficiary will receive monthly payments equal to one-half of the amount the retiree was receiving (without COLA) for life. If the beneficiary dies before the retiree, all payments will cease upon the retiree’s death.

Joint Allowance — Partial*

(Available to Tier 3, 4, 5 and 6 members)

This option will provide retirees with a reduced monthly benefit for their lifetime, and is based on their birth date and that of their beneficiary. After the retiree’s death, the beneficiary will receive a specific percentage of the benefit (without COLA) which the retiree selected (75, 50, or 25 percent) for life. If the beneficiary dies before the retiree, all payments will cease upon the retiree’s death.
Pop-up/Joint Allowance — Full*

This option will provide retirees with a reduced monthly benefit for their lifetime. If retirees die before their beneficiary, we will continue paying the same monthly amount (without COLA) to the beneficiary for life. If the beneficiary dies first, the benefit will be increased to the amount retirees would have received if they had selected the Single Life Allowance at retirement, and all payments will cease upon the retiree’s death.

Pop-up/Joint Allowance — Half*

This option will provide retirees with a reduced monthly benefit for their lifetime. If retirees die before their beneficiary, we will continue paying one-half of the monthly amount (without COLA) to the beneficiary for life. If the beneficiary dies first, the benefit will be increased to the amount retirees would have received if they had selected the Single Life Allowance at retirement, and all payments will cease upon the retiree’s death.

Alternative Options

If the options described here do not meet the member’s needs, we will consider written requests for other payment methods. These requests must be outlined in detail by the member and then approved by us for legal and actuarial soundness.

* Members who elect this option must provide proof of their beneficiary’s birth date. Only one beneficiary may be designated. Under this option, the spouse of a deceased retiree will be eligible for 50 percent of the retiree’s COLA if he or she is the designated beneficiary.
Partial Lump Sum Payment

Eligible Police and Fire Retirement System members can choose to receive a reduced lifetime retirement benefit in exchange for a one-time lump sum payment. The lump sum payment is made when the retirement benefit is finalized.

Eligibility

To be eligible to choose a partial lump sum payment (PLS), a member must:

- Retire under a special 20- or 25-year plan;
- Have been eligible to retire with a service retirement benefit for at least one year prior to the date of retirement; and
- Retire with a service retirement (not a disability retirement*).

Choosing a Lump Sum Payment

When the member files for retirement, if he or she is eligible for PLS, we will send a special Option Election Form so the member can choose PLS along with the standard retirement option for the continuing lifetime benefit.

* If a member receives a PLS payment under a service retirement benefit and is later approved for a disability retirement benefit, the PLS payment must be repaid if he or she converts to the disability benefit. Additionally, severe tax consequences may apply in some situations.
Lump Sum Payment Amounts

Legislation recently enacted (Chapter 523, Laws of 2013) expands the partial lump sum (PLS) payment amounts available to eligible Police and Fire Retirement System members. The chart below outlines the various percentages available:

<table>
<thead>
<tr>
<th>Years Eligible to Retire</th>
<th>Available PLS Payment Options (A Percentage of the Value of Your Retirement Benefit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5 percent</td>
</tr>
<tr>
<td>2</td>
<td>5 or 10 percent</td>
</tr>
<tr>
<td>3</td>
<td>5, 10 or 15 percent</td>
</tr>
<tr>
<td>4</td>
<td>5, 10, 15 or 20 percent</td>
</tr>
<tr>
<td>5 or more</td>
<td>5, 10, 15, 20 or 25 percent</td>
</tr>
</tbody>
</table>

Members’ continuing lifetime retirement benefit will be reduced by the percentage they have chosen. Future cost-of-living adjustments (COLAs) will be based on the amount of the reduced lifetime benefit as the partial lump sum payment is excluded from the COLA calculation.
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# Retirement Plans

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Overview

Retirement Benefits

It is usually necessary to know a member’s specific retirement plan coverage to determine when a member is eligible for a retirement benefit, the amount of the retirement benefit, whether or not he or she must contribute to the plan, and the amount of contribution made by an employer. Retirement benefits are based on tier, plan, final average salary (FAS), age and years of credited service. Members receive a percentage of their FAS for each year of service, depending on the plan.

Regular and Special Retirement Plans

In a regular plan, eligibility for a retirement benefit is based on the attainment of a certain age and years of credited service. For example, a Tier 1 member covered by Section 75-i becomes eligible for a retirement benefit at age 55.

In a special plan, eligibility for a retirement benefit is based on the completion of a specific number of years of credited service. For example, under Section 384-d, a police officer or firefighter becomes eligible for a retirement benefit after completing 20 years of creditable service.

Special plans apply to select groups of employees, based on the type of employment and the specific special plan adopted by the employer. The most common special plans are those for police officers, firefighters, correction officers and sheriffs.

Withdrawal from a Special Plan

There are situations where it is to a member’s advantage to retire under the regular plan and not the special plan. In such cases, it is usually not advisable to withdraw from the special plan until just before retirement because the member may be covered by a greater death benefit under the special plan. If a member decides to withdraw, he or she may withdraw only after the election to participate in the special plan has been on file for at least one year.
Retirement Plans Available to ERS and PFRS Members

ERS Tier 1 and Tier 2 Employer Plan and Benefit Descriptions

For the following regular plans, the minimum retirement age is 55 (except those covered by the age 60 Basic Plan). The normal retirement age for Tier 2 members is 62. Tier 2 ERS members with less than 30 years of credited service may retire between the ages of 55 and 62 with reduced benefits. See the table on page 7-21 for benefit reductions.

Tier 2 ERS members with at least 30 years of credited service may retire as early as age 55 with no benefit reduction.

Basic Plan (Sections 70, 71-a)

Member contributions are required. Members have a choice of an Age 55 Plan or an Age 60 Plan. Under the Age 55 Plan, the pension is 1/60th (1.66 percent) of final average salary (FAS) for each year of prior service, plus 1/120th (.83 percent) of FAS for each year of credited service. Under the provisions of the Age 60 Plan, the pension is 1/70th (1.43 percent) of FAS for each year of prior service, plus 1/140th (.71 percent) of FAS for each year of credited service. Both benefits include an annuity based on member contributions.

Basic Plan with 5 Percent Reserve for Increased Take-Home Pay (ITHP)

The member contribution rate required under the Basic Plan is reduced by 5 percent of a member’s earnings. The retirement benefit is the same as if the member contributed under the terms of the Basic Plan.

Basic Plan with 8 Percent Reserve for Increased Take-Home Pay (ITHP)

The member contribution rate required under the Basic Plan is reduced by 8 percent of a member’s earnings. The retirement benefit is the same as if the member contributed under the terms of the Basic Plan.
### Non-Contributory Plan (Section 75-c)

Members are not required to contribute for service performed on or after April 1, 1960. The pension is $1/60th$ (1.66 percent) of FAS for each year of member service, $1/60th$ of FAS for each year of prior service, plus an annuity if the member has an annuity savings contribution balance.

### Non-Contributory Plan with Guaranteed Benefits (Sections 75-d, -e)

Members are not required to contribute for service performed on or after April 1, 1960. The pension is $1/60th$ (1.66 percent) of the FAS for each year of service, plus an annuity if the member has an annuity savings contribution balance.

### Career Plan (Sections 75-f, -g)

Members are not required to contribute for service performed on or after April 1, 1960. When a member retires with 25 or more years of service, the retirement benefit is one-half (50 percent) of the FAS for the first 25 years of service, $1/60th$ (1.66 percent) of the FAS for each year of service over 25 years, plus an annuity if the member has an annuity savings contribution balance. Members with fewer than 25 years of service retire under the provisions of Section 75-d or 75-e.

### New Career Plan (Sections 75-h, -i)

Members are not required to contribute for service performed on or after April 1, 1960. When a member retires with 20 or more years of service, the retirement benefit is $1/50th$ (2 percent) of FAS for each year of service. The pension portion of this benefit cannot exceed 75 percent of FAS.* Members with fewer than 20 years of service retire under the provisions of Section 75-d or 75-e.

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* The benefit cap is raised to 79 percent of FAS if the member is eligible for the additional credit provided by Article 19 (see page 6-4).
ERS Tier 1 and Tier 2 Special Plans

There are a variety of plans covering certain members who work in district attorney offices, county correction departments, or county sheriff departments. Chapter 570 (Laws of 2000), effective on December 12, 2000, allows portability among the 25-year retirement plans of county correction officers, sheriffs, undersheriffs, deputy sheriffs and State correction officers. This means that members who previously worked for a county or New York State in one of these titles can receive credit for that service in their current special 25-year plan provided their former employer adopts a special 25-year plan prior to their retirement. Contact our Member & Employer Services Bureau for further information relating to these plans and estimated costs associated with their adoption.

State Correction Officers 25-Year Plan (Section 89)

Tier 1 and 2 members in service as uniformed employees in institutions under the jurisdiction of the NYS Department of Correctional Services are required to join under Section 89 (RSSL). They may retire at any age upon completion of 25 years of creditable service. Members may also retire under this plan at age 60 with less than 25 years of creditable service.

Correction officers retiring with 25 years of creditable service will receive one-half (50 percent) of FAS. For service in excess of 25 years and for non-correction officer service, the benefit is increased by 1/60th (1.66 percent) of FAS for each additional year of service credit over 25 years. For those retiring at age 60 or later, with less than 25 years of correction officer service, the benefit is 1/50th (2 percent) of FAS for each year of correction service. Non-correction service is included at 1/60th of FAS for each year of such service, but the total benefit cannot exceed one-half of FAS. Members retiring between age 55 and 60 with less than 25 years of creditable service receive a benefit equal to 1/60th of FAS for each year of service.

Sheriffs Special 25-Year Plan (Section 89-a)

Participation in this plan is limited to sheriffs and undersheriffs and to deputy sheriffs whose regular duties include at least 50 percent criminal law enforcement activities. Minimum retirement age is 50 for Tier 1 members and 55 for Tier 2 members. Tier 2 members retiring before age 62, with less than 30 years of service credit, have their retirement benefit permanently reduced. Members are not required to contribute. They are eligible to retire on completion of 25 or more years of service credit with a benefit of one-half (50 percent) of the FAS, or at age 65 based on a formula of 1/50th (2 percent) of FAS for each year of service. Section 89-a (RSSL) provides for mandatory retirement at age 65.
Sheriffs Special 20-Year Plan (Section 89-b)

Participation in this plan is limited to sheriffs and undersheriffs and to deputy sheriffs whose regular duties include at least 50 percent criminal law enforcement activities. The plan is only available if the county where these members are employed has made the necessary plan adoption. Members are not required to contribute.

If the member retires with 20 or more years of service, the benefit equals one-half (50 percent) of FAS. Tier 1 members are eligible to retire on completion of 20 years of service, with a full benefit, regardless of age. Tier 2 members are eligible to retire with a full benefit at age 60 and completion of 20 years of service, or between the ages of 55 and 60 with a reduced benefit. If Tier 2 members choose to retire prior to age 60, their retirement benefit will be permanently reduced by one-half of one percent for each full month that retirement precedes December 31st of the year in which they turn 60.

For members retiring after age 60 with less than 20 years of credited service, their benefit will equal 1/40th (2.5 percent) of FAS for each year of credited service in a sheriff’s department. Members may be eligible for an additional benefit based on a reduced rate for service not credited under the special plan. The total retirement benefit cannot exceed one-half of FAS. With the exception of sheriffs, members must retire by December 31st of the year they turn 60.

Improved Sheriffs Special 20-Year Plan (Section 89-b [m])

This plan is applicable only to members who participate in the Sheriffs Special 20-Year Plan. Only counties that have adopted Section 89-b may adopt this improved plan. It provides an additional 1/60th (1.66 percent) of FAS for each year of credited service beyond 20 years (up to a maximum of ten years).

Optional 20-Year Plan for Detective and Criminal Investigators (Section 89-d)

Participation in this plan is limited to certain detectives and various titled criminal investigators assigned to the county district attorney’s office. The plan is only available if the county where these members are employed has made the necessary plan adoption. Members covered under this plan are eligible to retire on completion of 20 years of creditable service, regardless of age, with a basic retirement benefit of one-half (50 percent) of FAS. If the member retires at age 62 with less than 20 years of creditable service, the benefit will equal 1/40th (2.5 percent) of FAS for each year of creditable service in the district attorney’s office plus 1/60th (1.66 percent) of FAS for each year of other creditable service. The total benefit cannot exceed one-half of FAS.
Improved Optional 20-Year Plan for Detectives and Criminal Investigators (Section 89-d [m])

This plan is applicable only to members who participate in the Optional 20-Year Plan (Section 89-d). Only counties which have adopted Section 89-d may adopt this improved plan. It provides an additional 1/60th (1.66 percent) of FAS for each year of credited service beyond 20 years (up to a maximum of ten years).

Sheriffs and County Correction Officers Plan (Sections 89-e, -f, -g, -h, -i, -j, -k, -l, -m, -n, and -o)

These special plans have been provided for Westchester, Suffolk, Nassau, Albany, St. Lawrence, Jefferson, Onondaga, Orleans, Broome, and Greene counties for variously titled correction officers, and for Nassau, Albany (also includes identification officers), St. Lawrence, Jefferson, Onondaga, Orleans, Broome, Monroe, and Greene counties for certain sheriffs, undersheriffs and deputy sheriffs engaged in criminal law enforcement activity. The plan permits retirement on completion of 25 years of covered service, regardless of age, and provides a benefit equal to one-half (50 percent) of FAS.

County Sheriffs, Undersheriffs, Deputy Sheriffs and Correction Officers Plan (Section 89-p)

This plan is available to sheriffs, undersheriffs, deputy sheriffs and correction officers not already enrolled in a retirement plan that permits retirement at any age after completing 25 years of covered service. Members are automatically covered if their employer adopted this plan. The plan provides a retirement benefit of one-half (50 percent) of FAS at any age after completing 25 years of creditable service. Service is creditable as a deputy sheriff if at least 50 percent of the duties of the position involve criminal law enforcement. A county must have adopted this plan by June 30, 2009.

Town of Elmira Traffic Officers Plan (Section 89-q)

This plan is provided for the Town of Elmira’s Traffic District #1 traffic officers. With 25 years of service, members will receive a retirement benefit equal to one-half (50 percent) of FAS. Service credit earned while in the Police and Fire Retirement System may be transferred and credited under this plan.
Suffolk County Park Rangers/Park Police Plan (Section 89-r)

This plan provides Suffolk County park rangers/park police, who have 25 years of creditable service, with a retirement benefit equal to one-half (50 percent) of FAS.

Suffolk and Nassau Counties Peace Officers and Nassau County Ambulance Medical Technicians Plan (Section 89-s)

This plan has been provided for peace officers in the Suffolk and Nassau County probation departments and for ambulance medical technicians who work for the Nassau County police department. Suffolk County peace officers with 25 years of creditable service will receive the maximum retirement benefit equal to one-half (50 percent) of FAS. Nassau County peace officers and ambulance medical technicians with 25 years of creditable service will receive one-half of FAS, plus 1/60th (1.66 percent) of FAS for each year of service over 25 years, but not to exceed three-quarters (75 percent) of FAS.

County Probation Officers Plan (Section 89-t)

Effective January 1, 1999, this plan allows probation officers in counties electing coverage under Section 89-t to retire on completion of 25 years of creditable service. The retirement benefit equals one-half (50 percent) of the member’s FAS.

Safety Officers 25-Year Plan (Section 89-t)

A member in service as an institutional safety officer, a special police officer designated by the director of a State hospital or a safety officer under the jurisdiction of the Office of Mental Health or the New York State Office for People with Developmental Disabilities, may retire at any age on completion of 25 years of creditable service. With 25 years of service, the retirement benefit equals one-half (50 percent) of FAS.

Town of Tonawanda Paramedics (Section 89-v)

Effective November 13, 2001, this plan has been provided for paramedics in the Town of Tonawanda who are employed by the police department. Tonawanda paramedics with 25 years of creditable service will receive a retirement benefit equal to one-half (50 percent) of FAS, plus 1/60th (1.66 percent) of FAS for each year of service over 25 years, not to exceed three-quarters (75 percent) of FAS.
New York State and Local Retirement System
Employees’ Retirement System
Police and Fire Retirement System

Rockland County Superior Correction Officers (Section 89-v)

Effective December 12, 2001, this plan provides Rockland County superior correction officers, who have 25 years of creditable service, with a retirement benefit equal to one-half (50 percent) of FAS.

Nassau County Fire Marshals 25-Year Plan (Section 89-w)

Effective January 1, 2008, this plan provides an alternative retirement benefit for Nassau County fire marshals. The Nassau County Executive must certify eligible employees. In addition, employees must serve five years with the Nassau County Fire Marshal Department after January 1, 2008 before they are eligible to retire with the benefits of this plan. With 25 years of creditable service, Nassau County fire marshals will receive a retirement benefit equal to one-half (50 percent) of FAS. For each year of service beyond 25 years, including non-fire marshal service, the member will receive an additional 1/60th (1.66 percent) of FAS.

County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 551)

This plan is available to deputy sheriffs if at least 50 percent of their duties involve criminal law enforcement, and to sheriffs and undersheriffs. Eligible members who elect to participate in the plan will receive a pension equal to one-half (50 percent) of FAS after completing 25 years of creditable service.

Additional Benefit for County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 551 [e])

This plan is available only to members who participate in Section 551 and elect this benefit. Only counties that have adopted Section 551 may adopt this improved plan. It provides an additional 1/60th (1.66 percent) of FAS for each year of credited service beyond 25 years (up to a maximum of 15 years).
County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 552)

This plan is available to deputy sheriffs if at least 50 percent of the duties of their position involve criminal law enforcement, and to sheriffs and undersheriffs. Eligible members who elect this plan will receive a pension equal to one-half (50 percent) of FAS after completing 20 years of creditable service, regardless of age. At age 62, with less than 20 years of creditable service, the retirement benefit may include other service. However, the retirement benefit may not exceed one-half (50 percent) of FAS.

Additional Benefit for County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 553)

Only counties that have adopted Section 552 may adopt this improved plan. It provides an additional 1/60th (1.66 percent) of FAS for each year of credited service beyond 20 years (up to a maximum of 15 years).

This plan is available to deputy sheriffs if at least 50 percent of their duties involve criminal law enforcement, and to sheriffs and undersheriffs. Enrollment is not automatic, eligible members must elect to participate in this plan.

Additional Benefit for Service Prior to Service as a Sheriff, Undersheriff or Deputy Sheriff (Article 14-B, Section 553[b])

Counties that elect to provide a special 20- or 25-year plan under Article 14-B’s Section 551(e) or 553 can also elect to provide their employees with an additional 1/60th (1.66 percent) of FAS for any allowable service credit in excess of the 20 or 25 years earned with a public employer prior to their sheriff, undersheriff or deputy sheriff employment. The total retirement benefit, however, cannot exceed three-quarters (75 percent) of FAS.
ERS Tiers 3, 4, 5 and 6 Employer Plan and Benefit Descriptions

Tier 3 Members (Article 14)

Tier 3 ERS members may retire under Article 14 with a full retirement benefit at age 62. However, if members retire before age 62, their benefit is permanently reduced. See the table on page 7-21 for benefit reductions.

The retirement benefit will be further reduced by the CO-ESC Social Security benefit. The CO-ESC reduction is based on one-half (50 percent) of the amount of Social Security the member would be entitled to receive at age 62, based on his or her earnings in public employment.

If the member retires with less than 20 years of service credit, the benefit equals 1/60th (1.66 percent) of FAS for each year of service. With 20 or more years of service credit, the benefit equals 1/50th (2 percent) of FAS for each year of service, not to exceed 30 years. Most Tier 3 ERS members retire under Article 15.

Article 14 Benefit Adjustments

Article 14 service retirement payments are subject to full escalation. If benefit payment begins on the full escalation retirement date, the benefit will increase every year (in April) at a rate equal to the increase in the consumer price index (CPI) or 3 percent, whichever is less. In the event of a decrease in the CPI, the benefit would be decreased every year (in April) by the amount of decrease in the CPI or 3 percent, whichever is less, but never below the original amount paid.

The full escalation date is the first day of the month after a member’s 65th birthday. Partial escalation is payable to members who retire between ages 62 and 65.

Tier 3, 4 and 5 Members (Article 15)

Tier 3, 4 and 5 ERS members may retire under Article 15 with full benefits at age 62. Additionally, Tier 3 and 4 ERS members who have 30 or more years of credited service may retire, with full benefits, between the ages of 55 and 62. The benefit is permanently reduced for Tier 3 and 4 members who retire before age 62 with less than 30 years of credited service, and for Tier 5 members who retire between the ages of 55 and 62. See the table on page 7-21 for benefit reductions.
Comparison of Tier 3, 4 & 5 Benefits

<table>
<thead>
<tr>
<th></th>
<th>Article 14 — Tier 3</th>
<th>Article 15 — Tiers 3, 4 &amp; 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Less than 20 years:</strong></td>
<td>1/60th of FAS per year</td>
<td>1/60th of FAS per year</td>
</tr>
<tr>
<td><strong>20 – 30 years:</strong></td>
<td>1/50th of FAS per year (60% of FAS max)</td>
<td>1/50th of FAS per year</td>
</tr>
<tr>
<td><strong>More than 30 years:</strong></td>
<td>no additional benefit</td>
<td>additional 3/200ths of FAS per each year over 30 years</td>
</tr>
<tr>
<td><strong>Social Security:</strong></td>
<td>Pension is reduced at age 62 by one-half of primary Social Security allowance</td>
<td>No Social Security offset</td>
</tr>
<tr>
<td><strong>CPI Escalation:</strong></td>
<td>CPI escalation</td>
<td>No CPI escalation</td>
</tr>
</tbody>
</table>

Tier 6 Members (Article 15)

The service retirement benefit equals 1/60th (1.66 percent) of the member’s FAS for each year of service credit, up to 20 years. With 20 years of service credit, the benefit will equal 1.75 percent of the member’s FAS for each year of service credit (35 percent of the FAS). Members will receive an additional 1/50th (2 percent) for each year of service credit in excess of 20 years. Tier 6 ERS members can retire with full benefits at age 63. The benefit is permanently reduced for members who retire between the ages of 55 and 63. [See table on page 7-21 for benefit reductions.](#)

Tier 3, 4, 5 and 6 Special Plans

Chapter 570 (Laws of 2000) became effective on December 12, 2000 and allows portability among the 25-year retirement plans of county correction officers, sheriffs, undersheriffs, deputy sheriffs and State correction officers. This means that members who previously worked for a county or New York State in one of these titles can receive credit for that service in their current special 25-year plan, provided their former employer adopts a special 25-year plan prior to their retirement.
State Correction Officers 25-Year Plan (Section 89) (Tiers 3, 5 and 6 Only)

Tier 3 members must have at least five years of credited service after July 1, 1973, and Tier 5 or 6 members must have at least ten years of credited service to receive a service retirement benefit. They may retire at any age upon completion of 25 years of service as a correction officer. Tier 3 and 5 members with less than 25 years of service can retire at age 62 with an unreduced benefit, or retire between the ages of 55 and 62 with a reduced benefit. Tier 6 members with less than 25 years of service can retire at age 63 with a full benefit or between the ages of 55 and 63 with a reduced benefit.

With 25 years of service, members receive one-half (50 percent) of FAS. For retirement at age 62 (63 for Tier 6 members) with more than 20 but less than 25 years of service credit, the benefit will equal 1/50th (2 percent) of FAS multiplied by the years of credited service. For members who retire at age 62 (63 for Tier 6 members) or later, with less than 20 years of service, their benefit will equal 1/60th (1.66 percent) of FAS multiplied by their total years of service.

With less than 25 years of correction service, members who retire between the ages 55 and 62 (63 for Tier 6 members) will receive a permanently reduced retirement benefit. See the table on page 7-21 for benefit reductions.

Special Plans for County Correction Officers, Sheriffs, Undersheriffs, and Deputy Sheriffs (Sections 603-b, -c, -d, -e, -f, -g, -h, -i, -j, -k)

These special plans have been provided for the counties of Albany, Broome, Greene, Jefferson, Nassau, Onondaga, Orleans, St. Lawrence, Suffolk, and Westchester for variously titled correction officers, and in the counties of Albany (also includes identification officers), Broome, Greene, Jefferson, Monroe, Nassau, Onondaga, Orleans, and St. Lawrence for sheriffs, undersheriffs, and certain deputy sheriffs engaged in criminal law enforcement activity. The special plans permit retirement on completion of 25 years of covered service, regardless of age.

For Tier 4, 5 and 6 members, coverage is automatic. Tier 3 members must elect coverage and waive their rights under Article 14 as a condition of their participation. Tier 3 members eligible for participation in this special plan who do not elect to participate will be covered by the regular Article 15 (Tier 4) plan. Additionally, Tier 3 members who elect to participate in this special plan and subsequently serve in positions or titles that no longer qualify them for service creditable under that plan will be eligible for only those benefits provided by the regular Article 15 (Tier 4) plan.
County Sheriffs, Undersheriffs, Deputy Sheriffs and Correction Officers Plan (Section 603-l)

This plan permits retirement on completion of 25 years of covered service, regardless of age. The benefit is one-half (50 percent) of FAS. Tier 4, 5 and 6 members are automatically covered if their employer adopts this plan. Tier 3 members must file a form to elect this plan and waive their Tier 3 benefits.

Town of Elmira Traffic Officers Plan (Section 603-m)

This plan is provided for the Town of Elmira’s Traffic District #1. With 25 years of service, the member will receive a retirement benefit equal to one-half (50 percent) of FAS. Service credit earned while in the Police and Fire Retirement System may be transferred and credited under this plan. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have elected this plan by September 1, 1996.

Suffolk County Park Rangers/Park Police Plan (Section 603-n)

This plan provides Suffolk County park rangers/park police who have 25 years of service with a retirement benefit equal to one-half (50 percent) of FAS. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have elected this plan by September 1, 1997.

Rockland County Detective Investigators (Section 603-o)

This plan provides for Tier 3, 4, 5 and 6 investigators employed by the Rockland County district attorney’s office with a retirement benefit equal to one-half (50 percent) of FAS for the first 20 years of creditable service, plus 1/60th (1.66 percent) of FAS for each year over 20 years, not to exceed 15 years. It was adopted by Rockland County on December 12, 1997. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have filed an election within one year of entering covered employment or the employer’s adoption date, whichever is later.
Suffolk and Nassau Counties Peace Officers and Nassau County Ambulance Medical Technicians (Section 603-o)

This plan has been provided for peace officers in the Suffolk and Nassau County probation departments and for ambulance medical technicians who work for the Nassau County police department. Coverage is automatic for Tier 4, 5 and 6 members.

Suffolk County peace officers with 25 years of creditable service will receive the maximum retirement benefit equal to one-half (50 percent) of FAS. Tier 3 members must have elected this plan by December 31, 1998, or within one year of covered employment.

Nassau County peace officers and ambulance medical technicians with 25 years of creditable service will receive a benefit equal to one-half of FAS, plus 1/60th (1.66 percent) of FAS for service over 25 years, not to exceed three-quarters (75 percent) of FAS. Tier 3 Nassau County peace officers must have elected this plan by December 31, 1999, or within one year of covered employment. Tier 3 Nassau County Ambulance Medical Technicians must have elected this plan by January 1, 2000.

County Probation Officers Plan (Section 603-p)

Effective January 1, 1999, this plan allows probation officers in counties adopting coverage under Section 89-t to retire upon completion of 25 years of creditable service. The retirement benefit equals one-half (50 percent) of the member’s FAS. Tier 3 members must have elected this plan within one year of the county’s adoption or covered employment, whichever is later.

Suffolk County Detective Investigators (Section 603-q)

This plan was adopted by Suffolk County on December 30, 1999, and provides for Tier 3, 4, 5 and 6 investigators employed by the Suffolk County district attorney’s office with a retirement benefit equal to one-half (50 percent) of FAS for the first 20 years of creditable service, plus 1/60th (1.66 percent) of FAS for each year of service over 20 years, not to exceed 15 years. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have filed an election by December 30, 1999, or within one year of entering covered employment, whichever is later.
Town of Tonawanda Paramedics (Section 603-r)

Effective November 13, 2001, this plan is provided for paramedics in the Town of Tonawanda who are employed by the police department. Tonawanda paramedics with 25 years of creditable service will receive a retirement benefit equal to one-half (50 percent) of FAS, plus 1/60th (1.66 percent) of FAS for service over 25 years, not to exceed 75 percent of FAS. Tier 4, 5 and 6 members are automatically covered. Tier 3 members must have filed an election by November 13, 2002, or within one year of entering covered employment, whichever is later.

Rockland County Superior Correction Officers (Section 603-r)

Effective December 12, 2001, this plan provides Rockland County superior correction officers, who have 25 years of creditable service, with a retirement benefit equal to one-half (50 percent) of FAS. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have filed an election by December 31, 2001.

Rockland County Deputy Sheriffs-Civil (Section 603-r)

Effective January 1, 2002, this plan provides Rockland County deputy sheriffs-civil, who have 25 years of creditable service, with a retirement benefit equal to one-half (50 percent) of FAS. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have filed an election by December 31, 2001, or within one year of entering covered employment.

Nassau County Fire Marshals 25-Year Plan (Section 603-s)

Effective January 1, 2008, this plan provides an alternative retirement benefit for Nassau County fire marshals. The Nassau County Executive must certify eligible employees. In addition, employees must serve five years with the Nassau County Fire Marshal Department after January 1, 2008, before they are eligible to retire with the benefits of this plan. With 25 years of creditable service, Nassau County fire marshals will receive a retirement benefit equal to one-half (50 percent) of FAS.

Westchester County Criminal Investigators 20-Year Plan (Section 603(h))

This plan provides Westchester County criminal investigators, who have 20 years of creditable service, with a retirement benefit equal to one-half (50 percent) of FAS. Tier 4, 5 and 6 members are automatically covered by this plan. Tier 3 members must have filed an election by December 31, 2002, or within one year of entering covered employment.
County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 551)

This plan is available to deputy sheriffs (if at least 50 percent of the duties of their position involve criminal law enforcement), sheriffs and undersheriffs who elect this benefit. It provides a retirement benefit equal to one-half (50 percent) of FAS after completing 25 years of creditable service, regardless of age.

Additional Benefit for County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 551 [e])

Only counties that have adopted Section 551 may adopt this improved plan. This plan is available only to members who participate in Section 551 and elect this benefit. It provides an additional 1/60th (1.66 percent) of FAS for each year of credited service over 25 years, up to a maximum of 15 years. The total benefit cannot exceed three-quarters (75 percent) of FAS.

County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 552)

This plan is available to deputy sheriffs (if at least 50 percent of the duties of their position involve criminal law enforcement), sheriffs and undersheriffs who elect this benefit. It provides a retirement benefit equal to one-half (50 percent) of FAS after completing 20 years of creditable service, regardless of age.

Additional Benefit for County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 553)

Only counties that have adopted Section 552 may adopt this improved plan. This plan is available only to members who participate in Section 552 and elect this benefit. It provides an additional 1/60th (1.66 percent) of FAS for each year of credited service beyond 20 years (up to a maximum of 15 years). The total benefit cannot exceed three-quarters (75 percent) of FAS.

Additional Benefit for County Sheriffs, Undersheriffs and Certain Deputy Sheriffs (Article 14-B, Section 553[b])

Effective November 1, 1999, this plan allows counties that have already adopted either Section 551-c (25-year plan with additional benefits) or Section 553 (20-year plan with additional benefits) to further elect to provide an additional 1/60th (1.66 percent) of FAS for any allowable service performed prior to services performed as a sheriff, etc. The total benefit cannot exceed three-quarters (75 percent) of FAS.
ERS Optional Coverage — All Tiers

Application of Unused Sick Leave as Additional Service Credit (Section 41-j)

New York State employees will have unused sick leave added to their service credits on a day for day basis, provided the member is not paid a cash payment for the sick leave. A maximum of 165 days (generally 100 days for Tier 6 members) may be credited. A maximum of 200 days may be credited for members in certain negotiating units.

Employees of participating employers may also receive this benefit if the employer files an election with the Retirement System to provide the benefits of Section 41-j of the Retirement and Social Security Law to all of its employees. This election must be filed in the same manner as the adoption of a new plan (see pages 2-4 through 2-7).

This time cannot be used to qualify a member for a benefit. It may only be used to increase the amount of the benefit once the member has otherwise qualified.

PFRS Employer Plan and Benefit Descriptions

Municipalities and other governmental subdivisions of New York State that have paid police officers and firefighters are required to participate in the New York State and Local Police and Fire Retirement System. Every employer has one of the following regular plans in effect that applies to all the employer’s police and paid firefighters unless the employer has also provided a special plan or plans. Minimum retirement age is 55 or 60. The maximum pension payable to Tier 2, 3 (Article 11), 5 and 6 members is the benefit payable upon completion of 32 years of service. The maximum pension payable to Tier 3 members covered by Article 14 is the benefit payable upon completion of 22 years of service.

Tier 2, 3, 5 and 6 members not covered by a special plan who retire between the ages of 55 and 62 will receive a permanently reduced benefit. See the table on page 7-21 for benefit reductions.
PFRS Plans for Tier 1, 2, 3 (Article 11), 5 and 6 Members

Basic Plan (Sections 370, 371-a)

Member contributions are required. Members have a choice of an Age 55 Plan or an Age 60 Plan. Under the Age 55 Plan (Section 371-a), the retirement benefit paid by employer contributions is 1/120th (.83 percent) of FAS for each year of credited service, plus 1/60th (1.66 percent) of FAS for each year of prior service. For Tier 1, 2 and 3 (Article 11) members, an annuity based on member contributions is included.

Under the Age 60 Plan (Section 370), the retirement benefit paid by employer contributions is 1/140th (.71 percent) of FAS for each year of member service, plus 1/70th (1.43 percent) of FAS for each year of prior service. For Tier 1, 2 and 3 (Article 11) members, an annuity based on member contributions is included.

Basic Plan with 5 Percent Reserve for Increased Take-Home Pay (ITHP)

The member contribution rate required under the Basic Plan is reduced by 5 percent of the member’s earnings. The retirement benefit is the same as if the member contributed under the terms of the Basic Plan.

Basic Plan with 8 Percent Reserve for Increased Take-Home Pay (ITHP)

The member contribution rate required under the Basic Plan is reduced by 8 percent of the member’s earnings. The retirement benefit is the same as if the member contributed under the terms of the Basic Plan.

Non-Contributory Plan (Section 375-c)

The minimum retirement age is 55. Members are not required to contribute on or after April 1, 1960. The retirement benefit equals 1/60th (1.66 percent) of FAS for each year of member service, plus an annuity if the Tier 1, 2 or 3 (Article 11) member has an annuity savings balance.
Non-Contributory Plan with Guaranteed Benefits (Sections 375-d, -e)

The minimum retirement age is 55. Members are not required to contribute on or after April 1, 1960. The retirement benefit equals 1/60th (1.66 percent) of FAS for each year of member service, plus an annuity if the Tier 1, 2 or 3 (Article 11) member has an annuity savings balance.

Career Plan (Sections 375-f, -g)

The minimum retirement age is 55. Members are not required to contribute on or after April 1, 1960. When a member retires with 25 or more years of service, the retirement benefit is equal to one-half (50 percent) of FAS for the first 25 years of service, 1/60th (1.66 percent) of FAS for each year of service over 25 years plus an annuity if the Tier 1, 2 or 3 (Article 11) member has an annuity savings balance. The maximum pension payable to Tier 2, 3, 5 and 6 members is the benefit payable upon completion of 32 years of service. Members with fewer than 25 years of service retire under the provisions of Section 375-e.

New Career Plan (Sections 375-h, -i)

The minimum retirement age is 55. Members are not required to contribute on or after April 1, 1960. When a member retires with 20 or more years of service, the retirement benefit is equal to 1/50th (2 percent) of FAS for each year of service plus an annuity if the Tier 1, 2 or 3 (Article 11) member has an annuity savings balance. The pension portion of this benefit cannot exceed 75 percent of FAS for Tier 1 members. The maximum pension payable to Tier 2, 3, 5 and 6 members is the benefit payable upon completion of 32 years of service. Members with fewer than 20 years of service retire under the provisions of Section 375-e.

Improved Career Plan (Section 375-j)

The minimum retirement age is 55, but federal regulations mandate retirement at age 62. Members are not required to contribute. When a member retires with 20 or more years of service, the retirement benefit, is 1/50th of FAS for each year of service. The pension portion of this benefit cannot exceed 75 percent of FAS. The maximum pension payable to Tier 2, 3 (Article 11) and 5 members is the benefit payable upon completion of 32 years of service. Members with fewer than 20 years of service retire under the provisions of Section 375-e.
PFRS Plan for Tier 3 (Article 14) Members

Tier 3 PFRS members may retire under Article 14 with full benefits after completing 22 years of service, regardless of age. The benefit equals 50 percent of FAS. Members may also choose early retirement with 20 years of service, regardless of age. The benefit equals 42 percent of FAS, plus an additional 4 percent for service beyond 20 years, prorated monthly, up to a maximum of 22 years.

Members retiring before age 62 with less than 20 years of service will receive a benefit equal to 1/60th of FAS for each year of service less a permanent reduction for early retirement. See the table on page 7-21 for benefit reductions.

Article 14 Benefit Adjustments

Under the provisions of Article 14, once members reach age 62, their pension will be permanently reduced by the CO-ESC Social Security benefit. The CO-ESC reduction is equal to one-half of the amount of Social Security members would be entitled to at age 62, based on their earnings in public employment.

Article 14 service retirement payments are also subject to full escalation if the member retires with 25 or more years of service, and partial escalation if the member retires with at least 22 years and one month of service. If benefit payments begin on the full escalation date (the first day of the month after the member’s 65th birthday), the benefit will increase each April at a rate equal to the increase in the consumer price index (CPI) or 3 percent, whichever is less. In the event of a decrease in the CPI, the benefit will decreased each April by the amount of decrease in the CPI or 3 percent, whichever is less, but never below the original amount paid.
PFRS Optional Coverage — All Tiers

Application of Unused Sick Leave as Additional Service Credit (Section 341-j)

New York State employees will have unused sick leave added to their service credit on a one day for one day basis, provided the member is not paid a cash payment for the sick leave. A maximum of 165 days may be credited. A maximum of 200 days can be credited for members in certain negotiating units.

Employees of participating employers may also receive this benefit if the employer files an election with the Retirement System to provide the benefits of Section 341-j of the Retirement and Social Security Law to all of its employees. This election must be filed in the same manner as the adoption of a new plan (see pages 2-4 thru 2-5).

In most instances, this time cannot be used to qualify a member for a benefit. It may only be used to increase the amount of the benefit once the member has otherwise qualified unless the member has already reached the service limit provided by his or her plan.

One-Year Final Average Salary
(Section 302-9 [d] — Tier 1; Section 443[f] — Tiers 2, 3* and 5)

The FAS portion of the retirement benefit calculation is based on the regular compensation earned by the member during the 12 months of actual service immediately preceding the date of the member’s retirement. Any lump sum payments for sick leave, accumulated vacation credit, payments for working in lieu of taking scheduled vacation, or any forms of termination pay are not included in the calculation. This salary calculation is further limited to 120 percent of the compensation earned by the member in the year immediately previous to this 12-month period. In addition, payment for overtime in excess of 15 percent of salary is also excluded from the computation of the one-year FAS for Tier 5 members.

* Please note: If an employer adopts the one-year FAS, Tier 3 members who elected a 20- or 25-year plan will have their benefits calculated under the provisions of Article 14. Only those Tier 3 members covered by an Article 11/age 55 retirement plan can have their benefit calculated using a one-year FAS.
**PFRS Special Plans**

Special plans are not applicable to Tier 3 PFRS members covered by Article 14, Tier 3 PFRS members who elected a special 25-year plan and whose employer provides a one-year FAS, and Tier 3 PFRS members employed by the City of Yonkers. These special plans may be adopted by an employer for police and firefighters, for police only, or for firefighters only. The plans permit retirement upon completion of a given number of years of credited service as a police officer or paid firefighter, regardless of age.

After an employer has adopted a special plan, members already employed may individually elect to be covered by this plan. Such elections must be filed with the Retirement System within one year of the effective date of the employer’s adoption of the special plan. Members who begin employment after the employer has adopted a special plan must elect to participate in that plan within one year of their date of employment if they wish to be covered by the special plan.

Members who do not elect to participate in a special plan or who withdraw an election to participate after being in a special plan for one year or more years are covered by the employer’s regular plan.

**Regional State Park Police Plan (Section 383-a)**

Allows members to retire at any age after completing 25 years of regional state park police officer service with the New York State Office of Parks, Recreation and Historical Preservation. The benefit equals one-half (50 percent) of FAS plus an additional 1/60th (1.66 percent) of FAS for each year of service beyond 25, including service other than as a regional state park police officer. The maximum benefit payable to Tier 2, 3 (Article 11), 5 and 6 members is the benefit payable on completion of 32 years of service.
Environmental Conservation Police Officers Plan (Section 383-b)

Allows members to retire at any age after completing 25 years of En-Con police service with the New York State Department of Environmental Conservation. The benefit equals one-half (50 percent) of FAS plus an additional 1/60th (1.66 percent) of FAS for each year of service beyond 25, including service other than as an En-Con police officer. The maximum benefit payable to Tier 2, 3 (Article 11), 5 and 6 members is the benefit payable on completion of 32 years of service.

Environmental Conservation Forest Rangers Plan (Section 383-c)

This plan is available to forest rangers in the Department of Environmental Conservation. Effective April 1, 1977, it allowed forest rangers who were members of the Employees’ Retirement System to transfer their membership and credit to the Police and Fire Retirement System. At retirement, members with 25 years of service will receive a benefit equal to one-half (50 percent) of FAS, plus an additional 1/60th (1.66 percent) of FAS for each year of service over 25 years. The maximum benefit payable to Tier 2, 3 (Article 11), 5 and 6 members is the benefit payable on completion of 32 years of service.

Special 25-Year Plan (Section 384)

Upon completion of 25 or more years of credited service, the member is eligible to retire with a benefit of one-half (50 percent) of FAS. It should also be noted that only uniformed police and fire service may be used in a Section 384 calculation. Service transferred from the Employees’ Retirement System is not considered creditable service.

Additional 1/60th Supplement to Special 25-Year Plan (Section 384-f)

The benefit is applicable only to members participating in the Special 25-Year Plan and where the employer has made the necessary adoption. It provides an additional 1/60th (1.66 percent) of FAS for each completed year of credited service in excess of 25 years. Under this plan, the member must be separated from service at age 62 or 65 if working as a Chief. The maximum benefit payable to Tier 2, 3 (Article 11), 5 and 6 members is the benefit payable on completion of 32 years of service.
Special 20-Year Plan (Section 384-d)

Upon completion of 20 or more years of credited service, the member is eligible to retire with a benefit of one-half (50 percent) of FAS. There is no additional benefit for service over 20 years. Under this plan, the member must be separated from service at age 65. It should also be noted that only uniformed police and fire service may be used in a Section 384-d calculation. Service transferred from the Employees’ Retirement System is not considered creditable service.

Additional 1/60th Supplement to the Special 20-Year Plan (Section 384-e)

This benefit is only available to members participating in the Special 20-Year Plan whose employer has made the necessary adoption. No election by the member is necessary once the employer adopts the plan; coverage is automatic.

It provides an additional 1/60th (1.66 percent) of the member’s FAS for each completed year of credited service in excess of 20 years. Partial years are prorated. The additional service used in calculating this benefit cannot exceed 15 years for Tier 1 members, or 12 years for Tier 2, 3 (Article 11), 5 and 6 members. It should also be noted that only uniformed police or fire service may be used in a Section 384-e calculation. Service transferred from the Employees’ Retirement System is not considered creditable service.

Improved Optional 1/60th Supplement to the Special 20-Year Plan (Section 384-e[b])

This benefit applies only to members who participate in Section 384-e and whose employer has adopted Section 384-e[b]. It provides an additional 1/60th (1.66 percent) of FAS for each year of service credit earned with a public employer prior to service as a police officer or firefighter. The benefit cannot exceed 75 percent of FAS for Tier 1 members or the benefit payable with 32 years of service credit for Tier 2, 3 (Article 11), 5 and 6 members.

Alternative Benefit Without Reduction for Early Retirement

Allows employers who have adopted Section 384-d to elect to allow their Tier 2, 3 (Article 11), 5 and 6 police officers and firefighters who are covered by Section 384-d to retire between 55 and 62 under Section 375-i or 375-j without a benefit reduction. Members must elect to be covered by Section 375-i or 375-j.
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Disability Retirement (Section 363-e)
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Overview

Disability retirement benefits are available to members unable to perform their job duties because of permanent physical or mental incapacity. Disability retirement benefits are primarily a form of income replacement for a permanently disabled employee, and are different from service retirement benefits.

The following is a partial list of the disability plans and requirements for each membership tier of the Retirement System. (These descriptions do not summarize every available plan. Members are strongly advised to read their specific plan booklet if they believe they are eligible for disability benefits.)

Applying for Multiple Benefits

A member who is eligible for both a service retirement benefit and a disability retirement benefit, or more than one type of disability retirement benefit, may file more than one application as long as the applicable deadlines are met. If more than one benefit is approved, the member can choose which benefit to receive.
Processing Disability Retirement Applications

When we receive a disability retirement application, we review it to determine if it meets all filing requirements. We then assemble a medical file for the member, which includes reports from the member’s physicians, hospital records, accident reports and other pertinent documentation.

We may refer the member to one or more medical specialists to be examined. Once the specialist’s report has been received, the case is reviewed. Retirement and Social Security Law requires that the board appointed by the Comptroller review the report(s) and recommend approval or diapproval.

As an employer, you will be required to provide certain necessary information for the member’s disability file, including, but not limited to the following information:

- Payroll status;
- Job description (detailed duty statement) including any restricted, light or limited duty assignments;
- General Municipal Law Sections 207-a and 207-c status;
- All medical records that you have in your possession;
- Overtime worked and description of duties performed;
- Workers’ Compensation documents and accident reports for all on-duty incidents; and
- Time records (may be required for on-duty status).

Once a determination has been made, both you and the member are notified.

The date of retirement for a disability retirement is the date the application is filed or the day after the last date for which the member receives salary, whichever is later. You will be asked to remove the member from your payroll within 30 days after the member’s application is approved.

If the disability application is not approved, a written request for a hearing and a redetermination of the member’s application may be filed with the Comptroller. This request must be received within four months of the date of the original denial. Only the member or his or her counsel may request a hearing if either filed the original application. However, if you, as the employer, filed the original application, then either you, the member or his or her counsel may file the hearing request.
Additional Documents Submitted by Employers

You are encouraged to provide us with copies of any other documents, reports or records which pertain to a disability application, accident(s) alleged to have been sustained, and particularly to the physical or mental status of the member. After receiving notification of the disability application, all such items should be forwarded, as soon as possible to:

   Disability Services Bureau
   New York State and Local Retirement System
   110 State Street, Maildrop 7-1
   Albany, NY 12244-0001

All relevant data and information you provide are submitted to the Medical Board when it meets to consider the disability application.

Notice to Employer of Request for Hearing

In the event that a member or the member’s counsel requests a hearing and redetermination to review a disability determination, we will notify you.
Employees’ Retirement System (ERS)

Tiers 1 and 2

Ordinary Disability Retirement Benefit (Section 62) [Form RS6038]

This benefit is equal to the greater of:

- 1/60th (1.66 percent) of the member’s FAS for each year of credited service; or
- 1/60th (1.66 percent) of the member’s FAS for each year of credited service, plus 1/60th of the member’s FAS for each year of service he or she might have earned before attaining age 60, but not more than one-third of the FAS.

In addition, members receive an annuity provided by any voluntary annuity savings contributions they may have made while in service.

If a member is age 60 or older at the effective date of his or her disability retirement, the ordinary disability benefit is equal to the benefit that would be payable as a service retirement without reduction.

Eligibility for the Benefit

Members who have ten or more years of service credit and are unable to perform their duties because of permanent physical or mental incapacity, may be eligible for an ordinary disability retirement benefit.
Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for ordinary disability retirement benefits.

If the member is eligible, applications for ordinary disability, accidental disability and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website. However, the application for ordinary disability retirement must be submitted while the member is in service or within 90 days from the date the member:

- Was last paid on the payroll; or
- Was last on an authorized medical leave for up to two years (but may be extended for an additional two years) as long as the member has not resigned or been terminated from employment while receiving those benefits; or
- Last received Workers’ Compensation or other similar employer-funded benefits, for up to two years, since last being paid on the payroll.

If the member is terminated from employment while receiving any of these benefits, the application must be received within 90 days of the effective date of termination.
Accidental Disability Retirement Benefit (Section 63)

This benefit equals three-quarters (75 percent) of the member’s FAS reduced by the total amount of Workers’ Compensation benefits the member may become entitled to receive. Members eligible to file for Workers’ Compensation must apply for these benefits. In addition to the disability benefit, if members made voluntary annuity savings contributions, they will receive an annuity provided by these contributions.

Eligibility for the Benefit

Members who become permanently physically or mentally unable to perform their duties as the direct result of an on-the-job accident not due to their own willful negligence may be eligible for an accidental disability retirement benefit, regardless of the amount of service credit they may have.

Notice of Accident

To be eligible to file for an accidental disability retirement, the member must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of the member’s injuries and his or her alleged incapacity. If you are covered by Workers’ Compensation Law, notice of accident may be satisfied by the member filing written notice with you within 30 days of the date of the accident.

Written notice of the accident is not required if the member’s application for accidental disability is filed within one year of the date of the accident.
Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement.

The application for accidental disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Tier 3 Article 14

Ordinary Disability Retirement Benefit (Section 506)

A Tier 3 ERS member who is permanently disabled may qualify for disability retirement benefits under either Article 14 or Article 15. The Article 15 benefit is usually greater and is not offset by Social Security. However, the Article 15 benefit requires a minimum of ten years of service credit, unless the member is found permanently disabled as the result of an on-the-job accident not caused by the member’s own willful negligence.

Eligibility for the Benefit

Members who have five or more years of service credit, are unable to perform their duties because of permanent physical or mental incapacity and have been awarded primary Social Security disability benefits may be eligible for this benefit.

This benefit is equal to the greater of:

- One-third of the member’s FAS; or
- 1/50th (2 percent) of the member’s FAS for each year of service credit earned, up to a maximum of 30 years.

In either case, the benefit is reduced by 50 percent of the CO-ESC primary Social Security disability benefit. If a Workers’ Compensation benefit is payable, the ordinary disability benefit is also reduced by the amount of that benefit.

Benefit Adjustments

Article 14 disability retirement payments are subject to full escalation. The benefit will increase every year (in April), at a rate equal to the increase in the consumer price index (CPI) or 3 percent, whichever is less. In the event of a decrease in the CPI, the benefit will decrease every year (in April) by the amount of the decrease in the CPI or 3 percent, whichever is less, but never below the original amount paid.
Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for Article 14 ordinary disability. Application forms are available from our Call Center and on our website.

This application must be filed while the member is in active service. “Active service” is defined as:

- Being paid on the payroll; or
- Periods when the member is on an authorized medical leave of absence for up to two years after last being paid on the payroll (but may be extended for an additional two years); or
- Periods when the member is receiving Workers’ Compensation or other similar employer-funded benefits for up to two years after last being paid on the payroll.

Members are not considered in “active service” if their employment is terminated, even if they are still receiving Workers’ Compensation or similar benefits. Members should file an application for ordinary disability retirement benefits before they receive a determination on their Social Security disability benefits application. However, members must be determined eligible for primary Social Security disability benefits to be eligible for Article 14 ordinary disability retirement benefits.

If a member files for Article 14 disability benefits when not in active service, the filing requirement is met if the Social Security disability application is approved retroactively to a date when the member was in active service.
Accidental Disability Retirement Benefit (Section 507) [Form RS6411]

The accidental disability retirement benefit equals 1/50th (2 percent) of the member’s FAS for each year of service credit the member would have earned if he or she had been able to work until age 65 (up to a maximum of 30 years). This benefit is reduced by 50 percent of the CO-ESC primary Social Security disability benefit.

At retirement, this benefit is also reduced by the total amount of Workers’ Compensation benefits that the member may become entitled to receive. Members eligible to file for Workers’ Compensation must apply for this benefit.

Eligibility for the Benefit

Regardless of the amount of service credit, members who are unable to perform their duties as the result of an on-the-job accident not caused by their own willful negligence, and have been awarded primary Social Security disability benefits as the result of the disability sustained in the accident, may be eligible for this benefit.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for the Article 14 accidental disability retirement benefits. Application forms are available from our Call Center and on our website. This application must be filed while the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years after last being paid on the payroll (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years after last being paid on the payroll.

To ensure timely application, members should file an application for accidental disability retirement before they receive a determination on their application for Social Security disability benefits. However, members must be determined eligible for primary Social Security disability benefits to qualify for this benefit.

If a member files for Article 14 disability benefits when not in active service, the filing requirement is met if the Social Security disability application is approved retroactively to a date when the member was in active service.
Tiers 3, 4, 5 and 6 Article 15 (Section 605)

Disability Retirement Benefit

This benefit is equal to:

- 1/60th (1.66 percent) of the member’s FAS for each year of credited service; or
- 1/60th (1.66 percent) of the member’s FAS for each year of credited service plus
  1/60th of the member’s FAS for each year of service he or she might have earned
  before attaining age 60, but not more than one-third of the FAS.

If the member’s disability is related to an accident sustained in the performance of his or her
duties, the minimum benefit is one-third of the FAS.

Eligibility for the Benefit

Members who have ten or more years of service credit and are unable to perform their duties
because of permanent physical or mental incapacity may be eligible for an Article 15 disability
retirement benefit. If the disability results from an on-the-job accident not due to the member’s
own willful negligence, there is no minimum service requirement.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with
the member’s Power of Attorney may file an application for Article 15 disability retirement
benefits. Application forms are available from our Call Center and on our website.

The application must be filed within three months of the last date the member was paid on
the payroll or, if the member was on a leave of absence for medical reasons without pay, within
12 months from the date he or she was notified by the employer that his or her employment
was terminated. The member must also have been disabled when he or she ceased performance
of duties.
Special Disability Benefits for Peace Officers and Uniformed Court Officers Employed by the Unified Court System

This benefit equals three-quarters (75 percent) of the member’s FAS reduced by the total amount of Workers’ Compensation benefits the member may become entitled to receive. Members eligible to file for Workers’ Compensation must apply for these benefits.

Eligibility for the Benefit

Members who become permanently physically or mentally unable to perform their duties as the direct result of an on-the-job accident not due to their own willful negligence may be eligible for an accidental disability retirement benefit, regardless of the amount of service credit they may have.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement.

The application for accidental disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Article 14-B Special Disability Benefits for County Sheriffs, Undersheriffs and Certain Deputy Sheriffs

In addition to the regular disability benefits for their tier of membership, if you have adopted Article 14-B and employ members in titles covered by Article 14-B, they are eligible for these disability benefits. For members who joined the Retirement System on or after January 1, 1985, the ordinary disability and performance of duty disability are the only disability benefits available to them.

Ordinary Disability Retirement Benefit (Section 555) [Form RS6408]

The ordinary disability benefit is equal to:

- \[ \frac{1}{60} \text{(1.66 percent)} \times \text{FAS} \times \text{years of credited service} \]
- \[ \frac{1}{60} \times \text{FAS} \times \text{years of service earned had he or she remained in service until age 60, but not more than one-third of the FAS, plus an annuity provided by any voluntary annuity savings contributions made while in service.} \]

Eligibility for the Benefit

Members who have ten or more years of service credit, and are unable to perform their duties because of permanent physical or mental incapacity, may be eligible for an ordinary disability retirement benefit.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for ordinary disability retirement benefits.

An application for this benefit must be submitted while the member is in service or within 90 days from either the date the member was last:

- Paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation benefits or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability, performance of duty disability and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Performance of Duty Disability Retirement Benefit (Section 558) [Form RS6408]  

This benefit is equal to one-half (50 percent) of the member’s final average salary.

Eligibility for the Benefit

Regardless of the amount of service, members who are found permanently disabled as the result of the performance of their duties would be entitled to this performance of duty disability benefit.

Notice of Occurrence

To qualify for a performance of duty disability retirement, the member must file written notice with us within 90 days of the occurrence. The notice must detail the time and place of the occurrence, the particulars thereof, the nature and extent of the member’s injuries and his or her alleged incapacity. If you are covered by Workers’ Compensation Law, notice of accident may be satisfied by the member filing notice with you within 30 days of the date of the occurrence.

Written notice is not required if the application for performance of duty disability is filed within one year of the date of the occurrence.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for performance of duty disability retirement benefits. Application forms are available from our Call Center and on our website.

The application for performance of duty disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.
Accidental Disability Retirement Benefit Article 14-B (Section 556)

For Tier 1 or 2 members, the Accidental Disability, Section 63, is better. It equals three-quarters (75 percent) of the member’s FAS, minus Workers’ Compensation.

For Tier 3 or 4 members, this benefit equals two-thirds of the member’s FAS, minus Workers’ Compensation.

Eligibility for the Benefit

This benefit is only available to members who joined the Retirement System before January 1, 1985, and only if you have adopted the Article 14-B Sheriffs’ Plan. Regardless of the amount of service credit, members who are found permanently disabled as the result of an accident sustained in the performance of their duties would be entitled to this disability benefit.

Notice of Accident

To qualify for an accidental disability retirement, the member must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of the member’s injuries, and his or her alleged incapacity. If you are covered by Workers’ Compensation Law, notice may be satisfied by the member filing written notice with you within 30 days of the date of the accident.

Written notice is not required if the application for accidental disability is filed within one year of the date of the accident.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement benefits.

The application for accidental disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

Application forms are available from our Call Center and on our website.
Special Disability Benefits for County Sheriffs, Undersheriffs, Deputy Sheriffs, and County Correction Officers

Performance of Duty Disability Retirement Benefit (Sections 63-b, 63-c, 607-c, and 607-d) [Form RS6047-B]

In addition to the regular disability benefits for their tier of membership, if you have adopted the above plans, these members are eligible for these disability benefits.

This benefit equals three-quarters (75 percent) of the member’s final average salary and is reduced by the total amount of Workers’ Compensation benefits the member may become entitled to receive.

Eligibility for the Benefit

Regardless of the amount of service, members who are found permanently disabled and unable to perform their duties as the result of an act by an inmate or other person confined in an institution under the jurisdiction of the county would be entitled to this performance of duty disability benefit.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for performance of duty disability retirement benefits. Application forms are available from our Call Center and on our website.

The application for performance of duty disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

• Being paid on the payroll; or
• On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
• Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If filing under the provisions of Section 63-c or Section 607-d (heart presumption), the application must be filed while the member is still employed.
Special Disability Benefits for Nassau County Chief Fire Marshals, Assistant Fire Marshals, Division Supervising Fire Marshals, Supervising Fire Marshals, Fire Marshals, and Fire Marshal Trainees

Accidental Disability Retirement Benefit (Section 605-d)  [Form RS6047]

In addition to the regular disability benefits for their tier of membership, the above members are eligible for these disability benefits.

This benefit equals three-quarters (75 percent) of the member’s final average salary and is reduced by the total amount of Workers’ Compensation benefits the member may become entitled to receive.

Eligibility for the Benefit

This benefit is only available to members who were hired on or after July 27, 1976. Regardless of the amount of service credit, members who are found permanently disabled as the result of an accident sustained in the performance of their duties would be entitled to this disability benefit.

Notice of Accident

To qualify for an accidental disability retirement, the member must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of the member’s injuries, and his or her alleged incapacity. If you are covered by Workers’ Compensation Law, notice of the accident may be satisfied by the member filing written notice with you within 30 days of the date of the accident.

Written notice is not required if the application for accidental disability is filed within one year of the date of the accident.
Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement benefits.

The application for accidental disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

• Being paid on the payroll; or

• On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or

• Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.
New York State Correction Officers and Security Hospital Treatment Assistants

Performance of Duty Disability Retirement Benefit (Sections 63-a, 507-b, and 607-a)  [Form RS6047-A]

This benefit equals three-quarters (75 percent) of the member’s final average salary and is reduced by the total amount of Workers’ Compensation benefits that the member may become entitled to receive.

Eligibility for the Benefit

Eligible members are uniformed personnel under the jurisdiction of the New York State Department of Correctional Services, and security hospital treatment assistants (SHTA) under the jurisdiction of the New York State Office of Mental Health. Regardless of the amount of service, if members are found permanently disabled and unable to perform their duties as the result of an act by an inmate or other person confined in an institution under the Department of Correctional Services or Office of Mental Health, they would be entitled to this performance of duty disability benefit.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for performance of duty disability retirement benefits. Application forms are available from our Call Center and on our website.

The application for performance of duty disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If filing under the provisions of Chapter 653 (heart presumption), the application must be filed while the member is still employed.
Disability Retirement Under Section 507-a

This benefit is equal to:

- $\frac{1}{60}$ (1.66 percent) of the member’s FAS for each year of credited service; or

- $\frac{1}{60}$ of the member’s FAS for each year of credited service plus $\frac{1}{60}$ of the member’s FAS for each year of service he or she might have earned before attaining age 60, but not more than one-third of the FAS.

If the member’s disability is related to an accident sustained in the performance of his or her duties, the minimum benefit is one-third of the FAS.

Eligibility for the Benefit

A member who has ten or more years of service credit, and is unable to perform his or her duties because of permanent physical or mental incapacity, may be eligible for a Section 507-a disability retirement benefit. If the disability results from an on-the-job accident not due to the member’s own willful negligence, there is no minimum service requirement.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for Section 507-a disability retirement benefits. Application forms are available from our Call Center and on our website.

The application must be filed:

- Within three months of the last date the member was paid on the payroll; or

- Within 12 months from the last date the member was being paid on the payroll provided the member was on a leave of absence for medical reasons without pay. The member must also have been disabled when he or she ceased performance of duties.
Police and Fire Retirement System (PFRS)

Tiers 1, 2, 3 (Article 11), 5 and 6

Ordinary Disability Retirement Benefit (Section 362)

The ordinary disability benefit is 1/60th (1.66 percent) of the FAS for each year of credited service. However, if this benefit amounts to less than one-third of the member’s FAS, the ordinary disability benefit is 1/60th of the FAS for each year of service plus 1/60th of the FAS for each year of service the member would have earned had they remained in service until age 60, but not more than one-third of the FAS.

In addition, members will receive an annuity provided by any voluntary annuity savings contributions they may have made while in service. The contributions required of Tier 5 and 6 members are not voluntary contributions and do not provide an annuity.

Eligibility for the Benefit

Members who have ten or more years of service credit, and are unable to perform their duties because of permanent physical or mental incapacity, may be eligible for an ordinary disability retirement benefit.
Filing for the Benefit

An application for this benefit may be submitted by you, as the member’s employer,* the member, or someone authorized by the member with the member’s Power of Attorney. The application must be filed while the member is in service or, if the member is disabled prior to such discontinuance, within 90 days from the date the member is:

- Last paid on the payroll; or
- Last on an authorized medical leave for up to two years (but may be extended for an additional two years) as long as the member has not resigned or been terminated from employment while receiving those benefits; or
- Last received Workers’ Compensation or other similar employer-funded benefits as long as the member has not resigned or been terminated from employment while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability, performance of duty disability, and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.

* Employers may not file ordinary disability applications for members who are receiving benefits under Sections 207-a or 207-c of the General Municipal Law.
Performance of Duty Disability Retirement Benefit (Section 363-c)

This benefit equals one-half (50 percent) of the member’s final average salary.

Eligibility for the Benefit

If members are found permanently disabled as the result of the performance of their duties, they would be entitled to this disability benefit.

Notice of Occurrence

To qualify for a performance of duty disability retirement, the member must file written notice with us within 90 days of the occurrence. The notice must detail the time and place of the occurrence, the particulars thereof, the nature and extent of the member’s injuries and his or her alleged incapacity. If you are covered by Workers’ Compensation Law, notice of the occurrence may be satisfied by the member filing notice with you within 30 days of the date of the incident.

Written notice is not required if the application for performance of duty disability is filed within one year of the date of the occurrence.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for disability retirement benefits.

The application for performance of duty disability retirement benefits must be filed while the member is still in service, or within two years of discontinuance from service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability, performance of duty disability, and regular service retirement benefits may be submitted simultaneously. Applications are available from our Call Center and on our website.
Accidental Disability Retirement Benefit (Section 363)

The accidental disability retirement benefit is a pension equal to three-quarters (75 percent) of the member’s FAS and is reduced by the total amount of Workers’ Compensation benefits the member may be entitled to receive. Members eligible to file for Workers’ Compensation must apply for this benefit.

Eligibility for the Benefit

Regardless of the amount of service credit, members who are permanently disabled as the result of an on-the-job accident not caused by their own willful negligence may be eligible for this benefit.

Notice of Accident

To qualify to file for an accidental disability retirement benefit, the member must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of the member’s injuries and alleged incapacity. If you are covered by Workers’ Compensation Law, notice of the accident may be satisfied by the member filing notice with you within 30 days of the date of the accident.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement benefits.

The application for accidental disability retirement must be filed while the member is still in service or within two years of discontinuance from service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.
Tier 3 Article 14

Ordinary Disability Retirement Benefit (Section 506)

Tier 3 PFRS members covered by Article 14 who have five or more years of service credit, are unable to perform their duties because of permanent physical or mental incapacity, and are eligible for primary Social Security disability benefits, may qualify for this benefit.

This benefit is equal to:

- One-third of the member’s FAS; or
- $\frac{1}{50}$th (2 percent) of the member’s FAS for each year of service credit earned, up to a maximum of 25 years.

In either case, the benefit is reduced by 50 percent of the CO-ESC primary Social Security disability benefit beginning on the date the member first becomes eligible for Social Security disability benefits. If a Workers’ Compensation benefit is payable, the ordinary disability benefit is also reduced by the total amount of the Workers’ Compensation benefit.

Benefit Adjustments

Article 14 disability retirement payments are subject to full escalation. The benefit increases every year (in April) at a rate equal to the increase in the consumer price index (CPI) or 3 percent, whichever is less. In the event of a decrease in the CPI, the benefit decreases every year (in April) by the amount of the decrease in the CPI or 3 percent, whichever is less, but never below the original amount paid.
Filing for the Benefit

The member, you as the member’s employer,* or anyone authorized by the member with the member’s Power of Attorney may file an application for Article 14 ordinary disability. Application forms are available from our Call Center and on our website.

This application must be filed while the member is in active service. “Active service” is defined as:

- Being paid on the payroll; or
- Periods when the member is on an authorized medical leave of absence for up to two years after last being paid on the payroll (but may be extended for an additional two years); or
- Periods when the member is receiving Workers’ Compensation or other similar employer-funded benefits for up to two years after last being paid on the payroll.

Members are not considered in active service if their employment is terminated, even if they are still receiving Workers’ Compensation or similar benefits. They should file an application for ordinary disability retirement benefits before they receive a determination on their Social Security disability benefits application. However, members must be determined eligible for primary Social Security disability benefits to be eligible for Article 14 ordinary disability retirement benefits.

For members who file for Article 14 disability benefits when not in active service, the filing requirement is met if their Social Security disability application is approved retroactively to a date when they were in active service.

* Employers may not file ordinary disability applications for members who are receiving benefits under Sections 207-a or 207-c of the General Municipal Law.
Accidental Disability Retirement Benefit (Section 507)

The accidental disability retirement benefit equals one-half (50 percent) of the member’s FAS and is reduced by the total amount of any Workers’ Compensation benefit payable. Members eligible to file for Workers’ Compensation must apply for this benefit. The accidental disability benefit is also reduced by 50 percent of the CO-ESC primary Social Security disability benefit. For members already receiving Social Security disability benefits, the Social Security reduction begins immediately, otherwise, the reduction begins at age 62. The benefit is also subject to full escalation.

Eligibility for the Benefit

Regardless of the amount of service, members may be eligible for an accidental disability retirement benefit if:

- They are unable to perform their duties because of a permanent physical or mental incapacity; and
- It is determined that the disability is the natural and proximate result of an accident sustained in the performance of duties not caused by their own willful negligence.

or

- They are eligible for primary Social Security disability benefits; and
- It is determined that the disability is the natural and proximate result of an accident sustained in the performance of duties not caused by their own willful negligence.
Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for Article 14 accidental disability retirement benefits. Applications are available from our Call Center and on our website.

This application must be filed while the member is in active service. “Active service” is defined as:

- Being paid on the payroll; or
- Periods when the member is on an authorized medical leave of absence for up to two years after last being paid on the payroll (but may be extended for an additional two years); or
- Periods when the member is receiving Workers’ Compensation or other similar employer-funded benefits for up to two years after last being paid on the payroll.

To ensure timely application, members should file an application for accidental disability retirement before they receive a determination on their application for Social Security disability benefits.

For members who file for Article 14 disability benefits when not in active service, the filing requirement is met if their Social Security disability application is approved retroactively to a date when they were in active service.
New York State Police — Tiers 1, 2, 3 (Article 11), 5 and 6

State Police Disability (Section 363-b)

This benefit equals one-half (50 percent) of the member’s FAS, plus an annuity based on any voluntary annuity savings contributions made. The mandatory contributions required of Tier 5 and 6 members are not annuity savings contributions, and do not provide an annuity. If the member has completed 20 or more years of service and is eligible for a service retirement, the disability benefit will equal the service retirement benefit.

Eligibility for the Benefit

Members who have five or more years of service credit and are unable to perform their duties because of permanent physical or mental incapacity, may be eligible for a State Police disability retirement benefit. If the disability results from an on-the-job incident not due to the member’s own willful negligence, there is no minimum service requirement.

Filing for the Benefit

The member, the Superintendent of State Police (or the Superintendent’s designee), or someone authorized by the member with the member’s Power of Attorney may file the application for State Police disability retirement benefits.

If the member is eligible, applications for State Police disability, State Police accidental disability retirement benefit, and service retirement benefit may be submitted simultaneously. Application forms are available from our Call Center and on our website. However, the application for State Police disability must be filed while the member is in service or within 90 days from either the date the member:

- Was last paid on the payroll;
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or similar employer-funded benefits as long as the member has not resigned or been terminated while receiving those benefits.
State Police Accidental Disability (Section 363-bb)

This benefit equals three-quarters (75 percent) of the member’s FAS reduced by the total amount of Workers’ Compensation benefits the member may become entitled to receive. Members eligible to file for Workers’ Compensation must apply for these benefits. In addition to the disability retirement benefit, if members made voluntary annuity savings contributions, they will receive an annuity provided by these contributions. The mandatory contributions required of Tier 5 and 6 members are not annuity savings contributions and do not provide an annuity.

Eligibility for the Benefit

Regardless of the amount of service credit a member may have, if he or she becomes permanently physically or mentally unable to perform his or her job as the direct result of an on-the-job accident which was not due to his or her own willful negligence, he or she may be eligible for an accidental disability retirement benefit.

Notice of Accident

To be eligible to file for an accidental disability retirement, members must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of their injuries, and their alleged incapacity. If you are covered by Workers’ Compensation Law, notice of accident may also be satisfied by the member filing written notice with you within 30 days of the date of the accident.

Written notice of the accident is not required if the member’s application for accidental disability is filed within one year of the date of the accident.
Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement.

The application for accidental disability benefits must be filed while the member is still in service or within two years of discontinuance of service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for state police disability, accidental disability and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Regional State Park Police, Environmental Conservation Officers, and Forest Rangers — Tiers 1, 2, 3 (Article 11), 5 and 6

Disability Retirement (Section 363-e)

The benefit equals one-half (50 percent) of the member’s FAS, plus an annuity based on any voluntary annuity savings contributions the member may have made. The mandatory contributions required of Tier 5 and 6 members are not annuity savings contributions and do not provide an annuity.

If the member has completed 20 or more years of service and is eligible for service retirement, the disability benefit will equal the service retirement benefit.

Eligibility for the Benefit

Members who have five or more years of service credit, and are unable to perform their duties because of permanent physical or mental incapacity, may be eligible for a Section 363-e disability retirement benefit. If the disability results from an on-the-job incident not due to the member’s own willful negligence, there is no minimum service requirement.

Filing for the Benefit

The member, the Commissioner of the Department of Environmental Conservation or the Office of Parks, Recreation and Historical Preservation (or their designee), or someone authorized by the member with the member’s Power of Attorney may file the application for Section 363-e disability retirement benefits.

Members may submit applications simultaneously for Section 363-e disability, accidental disability, performance of duty disability, and service retirement benefits, if eligible. Application forms are available from our Call Center and on our website. However, the application for Section 363-e disability retirement must be filed while the member is in service or within 90 days from either the date the member:

- Was last paid on the payroll;
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or similar employer-funded benefits as long as the member has not resigned or terminated employment while receiving those benefits.
Ordinary Disability Retirement Benefit (Section 362)

For environmental conservation officers, forest rangers and regional state park police, this benefit is available only if they last joined the Police and Fire Retirement System before September 1, 1997.

The ordinary disability benefit equals 1/60th (1.66 percent) of the member’s FAS for each year of credited service. However, if this benefit amounts to less than one-third of the member’s FAS, the ordinary disability benefit is 1/60th of the FAS for each year of service plus 1/60th of the FAS for each year of service the member would have earned had he or she remained in service until age 60, but not more than one-third of the FAS.

In addition, members will receive an annuity provided by any voluntary annuity savings contributions they may have made while in service.

Eligibility for the Benefit

Members who have ten or more years of service credit, and are unable to perform their duties because of permanent physical or mental incapacity, may be eligible for an ordinary disability retirement benefit.

Filing for the Benefit

The member, you, as the employer, or someone authorized by the member with the member’s Power of Attorney may file an application for this benefit. The application must be filed while the member is in service or, if the member is disabled prior to such discontinuance, within 90 days from the date the member is:

- Last paid on the payroll; or
- Last on an authorized medical leave for up to two years (but may be extended for an additional two years); or
- Last received Workers’ Compensation or other similar employer-funded benefits as long as the member has not resigned or been terminated from employment while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability, performance of duty disability, and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Performance of Duty Disability Retirement (Section 363-c)

This benefit equals one-half (50 percent) of a member’s final average salary.

Eligibility for the Benefit

If members are found permanently disabled as the result of the performance of their duties, they would be entitled to this disability benefit.

Notice of Occurrence

To qualify for a performance of duty disability retirement, the member must file written notice with us within 90 days of the occurrence. The notice must detail the time and place of the occurrence, the particulars thereof, the nature and extent of the member’s injuries and his or her alleged incapacity. If you are covered by Workers’ Compensation Law, notice of the accident may be satisfied by the member filing notice with you within 30 days of the date of the incident.

Written notice is not required if the application for performance of duty disability is filed within one year of the date of the occurrence.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for performance of duty disability retirement benefits.

The application for performance of duty disability benefits must be filed while the member is still in service, or within two years of discontinuance from service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability, performance of duty disability, and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Accidental Disability Retirement (Section 363) [Form RS6047]

For environmental conservation officers, forest rangers and regional state park police, this benefit is available only if they last joined the Police and Fire Retirement System before September 1, 1997.

The accidental disability retirement benefit is a pension equal to three-quarters (75 percent) of the member’s FAS and is reduced by the total amount of Workers’ Compensation benefits the member may be entitled to receive. Members eligible to file for Workers’ Compensation must apply for this benefit.

Eligibility for the Benefit

Regardless of the amount of service credit, members who are permanently disabled as the result of an on-the-job accident not caused by their own willful negligence may be eligible for this benefit.

Notice of Accident

To qualify to file for an accidental disability retirement benefit, the member must file written notice with us within 90 days of the accident. The notice must detail the time and place of the accident, the particulars thereof, the nature and extent of the member’s injuries and alleged incapacity. If you are covered by Workers’ Compensation Law, notice of the accident may be satisfied by the member filing notice with you within 30 days of the date of the accident.

Filing for the Benefit

The member, you as the member’s employer, or anyone authorized by the member with the member’s Power of Attorney may file an application for accidental disability retirement benefits.

The application for accidental disability retirement while the member is still in service or within two years of discontinuance from service. When filing for this benefit, “in service” is defined as when the member is:

- Being paid on the payroll; or
- On an authorized medical leave of absence for up to two years (but may be extended for an additional two years); or
- Receiving Workers’ Compensation or other similar employer-funded benefits for up to two years since last being paid on the payroll as long as the member has not resigned or been terminated while receiving those benefits.

If the member is eligible, applications for ordinary disability, accidental disability, performance of duty disability, and regular service retirement benefits may be submitted simultaneously. Application forms are available from our Call Center and on our website.
Death Benefits

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Overview

Generally, there are two types of death benefits available to the member’s beneficiary:

• An ordinary death benefit may be payable if the member should die while in public service or while on an authorized medical leave without pay, having completed one or more years of service since last joining the Retirement System.

• An accidental death benefit may be payable if the member should die before retirement as the direct result of an on-the-job accident which was not due to the member’s own willful negligence.

The criteria and benefit formula for each type of death benefit can be found in the appropriate retirement plan booklets. Since accumulated contributions (if any) are also payable to the member’s beneficiary, his or her death should be reported to the System as soon as possible.
Ordinary Death Benefits

Death Benefit Elections

Before 2001, almost all new Tier 3 and Tier 4 members of the Retirement System had to choose either Death Benefit One or Death Benefit Two for their ordinary death benefit coverage. As a result of Chapter 554 (Laws of 2000), most individuals joining the Retirement System on or after January 1, 2001 are automatically covered by Death Benefit Two. In addition, beneficiaries of Tier 2, 3 and 4 members who chose Death Benefit One when they joined the Retirement System, and who die in service, will receive the amount payable under Death Benefit Two, if greater. If the member dies after retirement, his or her beneficiaries may be entitled to a post-retirement death benefit.

Out-of-Service Death Benefit

For all tiers, this benefit may be payable to the beneficiaries of deceased members who were not eligible for the ordinary death benefit because they were otherwise gainfully employed after leaving public employment or died after one year of leaving public employment. If members had at least ten years of service credit, the benefit will equal one-half (50 percent) of their ordinary death benefit that would have been payable.

Death Benefit One

Death Benefit One provides for the payment of an amount equal to one month’s salary for each year of service. Death Benefit One may not exceed a maximum of three years’ salary (after 36 full years of service). Death Benefit One is substantially increased once the member reaches the age and/or years of service when he or she is eligible for an unreduced retirement benefit. The death benefit becomes equal to the member’s pension reserve. The range of this increase varies in individual cases, depending on salary, length of service, age at death, and other factors.

Death Benefit One is payable to the member’s beneficiaries only if the:

- Member joined the Retirement System before January 1, 2001
- Member elected Death Benefit One
- Member dies in service
- Amount payable exceeds that payable under Death Benefit Two
Death Benefit Two

After one year of service, Death Benefit Two equals the deceased member’s salary. After two years of service, the benefit equals two times the salary and, after three years of service, the benefit equals the maximum amount of three times the salary. There is a reduction based on the member’s age at death. Starting at age 61, the benefit is reduced by four percent for each year the member remains in service. It will not, however, fall below 60 percent of the original benefit payable. A portion of Death Benefit Two is payable if the member retires directly from active public employment. Members joining the Retirement System since January 1, 2001 are automatically covered by Death Benefit Two.

Note: The election does not apply to uniformed personnel in institutions under the jurisdiction of the New York State Department of Correctional Services and to Tier 3, 4, 5 and 6 county correction officers. These members are covered by a benefit of three times their salary to a specified maximum.

For both Death Benefits, the term “salary” means the regular compensation that is earned during the last 12 months of service as a member, excluding any form of termination pay, lump sum payment for sick leave, accumulated vacation credit, or any other payment for time not worked, and in no event exceeds the maximum salary specified in Section 130 of the Civil Service Law.

For Tier 5 and 6 members, in addition to the exclusions noted above, overtime compensation paid in excess of the overtime caps (see page 5-37) will not be included in the death benefit calculation. Also for Tier 6 members, wages paid in excess of the Governor’s salary (currently $179,000), will not be included.
Reporting a Death

Notify us of an employee’s death by completing and sending us a Notification of Death form (RS6082) as soon as possible. You or the beneficiary must send a certified copy of the death certificate.

Notification may also be submitted to our Death Benefits Section by telephone at either 518-474-7502 or 518-474-6570, or in a letter giving the name of the deceased, registration number, last known address, and date of death.

Notification forms can be obtained by submitting a Forms Order (RS1165) or from our website.

Processing

When notified, we begin processing the deceased member’s case immediately. Usually, we need to ask you for certification of service as well as data concerning salary and accrued payments (or credits). You can help to reduce processing time if you begin gathering such records upon learning of an employee’s death.

Survivor’s Benefit

The Survivor’s Benefit is a death benefit paid on behalf of employees who retired from State service.

To be eligible for the benefit, the employee must:

- Have at least ten years of full-time State service within 15 years immediately prior to leaving or retiring from State service;

  and

- While in State service, either:

  - Retire from a State supported retirement system (other than the State University optional retirement program); or

  - Retire from the State University optional retirement program after age 55 and begin to collect his or her pension within 90 days of the last day on the payroll; or

  - Leave State service after age 62.
If the employee retired between October 1, 1966 and March 31, 1970, the benefit is $2,000. If he or she retired on or after April 1, 1970, the benefit is $3,000.

As a member of a State retirement system, the beneficiary the employee chose while employed will also be the beneficiary for the Survivor’s Benefit. Employees who are not members of a public retirement system or who selected the Single Life Allowance (Option 0) must designate a beneficiary for this benefit on the form Eligibility of Retired Employee for Survivor’s Benefit (RS6355). You can download this form from our website or submit a Forms Order (RS1165) to have one mailed to you (see page 12-1).
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Filing Documents

Filing Applications and Requests

Many documents, including applications for benefits, resolutions concerning benefit changes, notices of injury and change of beneficiary forms, must be filed with the Office of the State Comptroller to be effective. These documents can only be considered “filed with the Comptroller” when they are received by our Albany office, one of our consultation sites, or another Office of the State Comptroller.

However, any documents mailed via the United States Postal Service as registered or certified mail return receipt requested, or as express mail and ultimately received by us, will be considered “filed” as of the date they were mailed. Members and employers using this alternative filing method should retain their mailing receipts until the documents have been acknowledged by us as received and/or accepted.

To meet a filing deadline, a member may email a form to us via our website, at [www.osc.state.ny.us/retire](http://www.osc.state.ny.us/retire), as long as the form in question does not require that the member’s signature be notarized. In addition, a member may also transmit a document to us via fax, including documents requiring signature notarization. We will consider emailed and faxed forms filed on the date of transmission but still require the original document to continue the process and properly complete the filing requirement.

A document submitted to you as a participating employer is not “filed with the Comptroller” until it is forwarded to and received by us. Status as a participating employer does not empower that employer to act as an agent for the Comptroller for filing purposes.

If you receive any items that must be filed with the Comptroller to be effective, they should be sent to us immediately. The rights and benefits of your employees depend on such prompt action.

Employer payments to the System are not considered documents to be “filed” within the meaning of the RSSL filing provisions. Employer payments must actually be received by us on or before their due date to avoid the assessment of interest charges for late payment.
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Ordering Retirement System Forms

There are four ways to get Retirement System forms and publications. Orders placed by mail, phone or fax are normally filled within seven working days. Forms that are on back order will be shipped automatically as we receive our new supplies.

The most commonly ordered forms are listed on the following pages.

By Internet:

Many forms and publications are available online and can be downloaded from our website at [www.osc.state.ny.us/retire](http://www.osc.state.ny.us/retire).

By Mail:

Send a completed [Forms Order (RS1165)](http://www.osc.state.ny.us/retire) to:

NYS Office of the State Comptroller
Bureau of Management Services
Service Desk
110 State Street
Albany, NY 12236

By Telephone:

Call 518-474-3438. When placing a telephone order, you’ll be asked for your name, your employer’s name, the address where the forms should be sent, the form numbers, and quantity requested.

By Fax:

The Fax number is 518-473-4560. Please provide the same information required for a telephone order, or fax a completed Forms Order (RS1165).
Employer Forms

Independent Contractor Forms

- RS2414 Certification for Individuals Engaged in Certain Professions
- RS2415 Certification for Determining Independent Contractor or Employee Status

Member Registration

- Section 45 Notification Form
- RS5420 Employees’ Retirement System Membership Registration
- PF5022 Police and Fire Membership Registration

Other Member-Related Forms

- RS5120 Salary and Service Certification
- Retiring Employees Acknowledgement Program (REAP) Registration Form
- RS6221 Statement of Accrued Payments and Leave Credits

Monthly Reporting Forms

- User Authorization Request Form for Retirement Internet Reporting (RIR)
- User Authorization Request Form Instructions for Retirement Internet Reporting (RIR)
- Certification Form for Retirement Internet Reporting (RIR)
- Electronic Debit Authorization Form and Instructions
- RS2050 Adjustment Report
- RS2050-A Adjustment Report Label
- RS2417-A Standard Work Day and Reporting Resolution for Elected & Appointed Officials
- RS2418 Standard Work Day Resolution for Employees
Member Forms

Membership

RS5014 Membership Withdrawal Application
RS5223 Transfer of Membership (from NYSLRS to another retirement system)
RS5506 Application to Reinstate a Former Tier 1 or 2 Membership

Service Credit

RS5042 Request for Previous Service

Loans

RS5025 Tiers 1 & 2 Loan Application
RS5025-A Tiers 3, 4, 5 & 6 Loan Application

Contributions

RS5195 Application for Refund of Excess Contributions
RS5379 Election to Purchase Additional Annuity Under Section 21(l)
RS5378 Cancellation of Election to Purchase Additional Annuity Under 21(l) & 321(l)

Retirement

RS6030 Request for Estimate
RS6037 Application for Service Retirement
RS6354 Withdrawal of Service Retirement Application

Disability Retirement Benefits

RS6340 Application for Article 15 Disability Retirement
RS6411 Application for Article 14 Disability Retirement
RS6038 Application for Tier 1 & 2 Ordinary Disability Retirement
RS6047 Application for Tier 1 & 2 Accidental Disability Retirement
PF6047 Application for Police and Fire Retirement for Disability Incurred in Performance of Duty
RS6429 Authorization for Release of Health Information Pursuant to HIPAA
PFRS Special Retirement Plan Forms

Election of Special Plans

- PF5117 Election of 20-Year Retirement Plan Under Section 384-d
- PF5095 Election of 25-Year Retirement Plan Under Section 384

Withdrawal from Special Plans

- PF5466 Request for Withdrawal from Section 384-d and 384-e
- PF5094 Withdrawal From 25-Year Retirement Plan Under Section 384

This is not a comprehensive list of forms. You can download most Retirement System forms, including those listed above, from our website at www.osc.state.ny.us/retire/forms.
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Glossary

**Active Member:** A person whose membership in the Retirement System has not been terminated. An active member is either on the payroll of a participating employer, a vested member (having at least five years of credited member service — ten years for Tier 5 and 6 members), or a non-vested member off the payroll for less than seven years.

**Age Reduction:** See *Benefit Reduction*.

**Annuity:** Represents the contributions made by Tier 1 and 2 members and Tier 3 PFRS members covered by Article 11 that are paid monthly at retirement. The annuity is added to the pension and is part of the retirement benefit.

**Arrears:** Payment due for previous service, based on tier and type of previous service.
- **Mandatory** — member must make payment for member service.
- **Optional** — member may choose to purchase credit for previous service.

**Article 11:** Retirement & Social Security Law article governing the benefits payable to all Tier 2 members and certain Tier 3 and 5 PFRS members.

**Article 14:** Retirement & Social Security Law article governing the benefits payable to Tier 3 members.

**Article 14-B:** Retirement & Social Security Law article governing the benefits payable to sheriffs, undersheriffs and deputy sheriffs whose employer has adopted these special benefits. Deputy sheriff service is creditable only if at least 50 percent of the member’s service involves criminal law enforcement.

**Article 15:** Retirement & Social Security Law article governing the benefits payable to Tier 3, 4 and 5 members. However, not all Tier 3, 4 and 5 members are eligible to receive Article 15 benefits, including those working as police officers, paid firefighters and New York State correction officers.

**Article 19:** Legislation providing an additional benefit to eligible members of the New York State and Local Employees’ Retirement System. The type of benefit depends on the member’s tier:
- **Tiers 1 & 2:** Eligible members receive an additional month of service credit for each year of credited service they have at retirement, up to a maximum of 24 months.
- **Tiers 3 & 4:** Eligible members no longer have to make 3 percent contributions once they have been members of the Retirement System for ten or more years or they have ten or more years of service credit.
**Article 20**: Retirement & Social Security Law article allowing eligible veterans who performed military duty in certain combat theaters during certain periods of time to purchase up to three years of credit for their military service.

**Article 22**: Retirement & Social Security Law article governing the benefits payable to Tier 5 PFRS members.

**Automated Clearing House (ACH)**: Allows employers participating in the Retirement Internet Reporting program to wire us their employees’ contributions, loan and arrears payment funds electronically via the Internet.

**Benefit Projection Calculator**: Program found on our Internet site at [www.osc.state.ny.us/retire/members/projecting-your-pension.php](http://www.osc.state.ny.us/retire/members/projecting-your-pension.php) that allows members to project their retirement benefit based entirely on the data they input.

**Beneficiary**: The person or persons designated to receive a death benefit and/or pension upon the death of a member or retiree. The beneficiary can be the same for both the death benefit and retirement benefit or the member may choose a different beneficiary for each.

**Benefit Reduction (for early retirement)**: Permanent pension benefit reduction for Tier 2, 3, 4 and 5 members, PFRS Tier 6 members who retire before age 62, and ERS Tier 6 members who retire before age 63. This does **not** apply to:

- ERS Tier 2 and 4 members with 30 or more years of service credit;
- Tier 3 ERS members with 30 or more years of service credit who retire under Article 15;
- Some members who retire under special plans; and
- Tier 5 uniformed court and peace officers with 30 or more years of service credit, provided they have paid 4 percent contributions on all credited service.

**Billing**: Participating employers are billed once a year by the Retirement System for their share of the annual cost of paying for future retirement benefits for their employees.

**Cafeteria Plan**: Benefit program offered by employers to their employees, which allows employees to pay for certain qualified expenses such as childcare, parking, dental coverage, etc. with pre-tax money. All monthly reports submitted to the Retirement System should contain the salary as if it had not been reduced as a result of the adoption of a cafeteria plan.

**Contributions (Employer)**: Funds paid by employers for costs incurred for participation in the Retirement System.

**Contributions (Member)**: Funds paid by members into their retirement account.

**Required contributions** — contributions mandated by law (e.g., 3 percent contributions made by Tier 3, 4 and 5 members and the contributions made by Tier 6 members based on a percentage of their earnings).
Excess contributions — contributions not mandated by law; contributions that members can withdraw without terminating Retirement System membership (e.g., voluntary contributions, change from contributory plan to non-contributory plan, etc.).

Coordinated Escalator (CO-ESC) Offset: Reduction to a retirement benefit, beginning at age 62, for Tier 3 members who retire under Article 14. The reduction equals 50 percent of the member’s primary Social Security benefit which is based on earnings from public employment within New York State.

Days Worked: Part of the information supplied to us by employers each month via Retirement Internet Reporting (RIR). This information is used to determine service credit for members.

Death Benefit (Accidental): Benefit payable to the eligible beneficiaries of members who die as a result of an on-the-job accident not due to their own willful negligence.

Death Benefit (Ordinary): Benefit payable to named beneficiaries upon the death of active members who have at least one year of credited service. Vested members with at least ten years of service who die within one year after discontinuing service and are not otherwise gainfully employed are entitled to have their beneficiaries receive the full amount of the ordinary death benefit. (Also see Out-of-Service Death Benefit)

Death Benefit 1 or 2: Death benefit elected by Tier 2, 3 and 4 members when they joined the Retirement System. Calculations and limitations differ between the two benefits. Tier 3 or 4 members who joined prior to July 26, 1986 or new members who join after December 31, 2000 are automatically covered by Death Benefit 2.

Deficiency Contributions: Required employer contributions that fund the cost of service before that employer participated in the Retirement System.

Direct Deposit: The electronic deposit of a retiree’s monthly pension benefit to the bank and account of his or her choice.

Disability Retirement: Retirement benefit available to members who are determined to be unable to perform their job duties because of permanent physical or mental incapacity.

Ordinary Disability — disability that need not be job-related or the result of an on-the-job accident.

Accidental Disability — disability that is the direct result of an on-the-job accident which was not due to the member’s own willful negligence.

Performance of Duty Disability — disability that was incurred in the performance of duties. Some performance of duty disability benefits also require that the disability be the result of the act of any inmate or any person confined in an institution under the jurisdiction of the Department of Correctional Services or Office of Mental Health, or by any person who has been committed to such institution by any court.
Domestic Relations Order: The legal document issued by a court and directed to public retirement systems. It provides us with specific direction on the division of pension benefits between the parties going through a divorce.

Early Age Reduction: See Benefit Reduction.

Effective Date of Retirement: The date a member’s retirement benefit begins. The member must not work on this date.

EGTRRA (Economic Growth and Tax Relief Reconciliation Act of 2001): Federal legislation authorizing contributions invested in an eligible retirement tax-sheltered plan or account to be used to purchase retirement service credit.

Elected and Appointed Officials Reporting (EAOR): An online certification reporting program for participating employers to conveniently provide us with the Standard Work Day and Reporting Resolution for Elected and Appointed Officials as required by Regulation 315.4. (See Regulation 315.4.)

Equitable Distribution: The division of marital assets, including pension benefits, between ex-spouses after the marriage has ended.

ERS: New York State and Local Employees’ Retirement System.

Estimate: A calculation of the approximate retirement benefit a member can expect under each of the various retirement options. A member must be within 18 months of retirement eligibility to request an estimate.

Excess Benefit Program: Allows retirees whose pension is limited by Section 415 (IRC) to receive their full pension through two monthly payments — their regular pension plus the excess benefit. The JPMorgan Chase Bank administers the Excess Benefit Program, but funds come from the New York State and Local Retirement System’s Excess Plan Trust Fund.

FAS: See Final Average Salary.

Family and Medical Leave Act: A federal law that allows an employee to take up to 12 weeks of unpaid leave of absence from work due to family illness, birth of a child, or child care.

Filing of Documents: Many documents (such as a Retirement Application or a Designation of Beneficiary form) must be filed with the Office of the State Comptroller to become effective. The items are considered filed when received by our office in Albany, or by an Information Representative at a consultation site. Any document mailed through the U.S. Postal Service (certified, registered return receipt requested or express mail) and received by us is considered to be filed as of the mailing date.
Filing Requirement: A prescribed period of time or a specified date mandated by law for filing an application for benefits or enrolling in a special plan.

Final Average Salary (FAS): For members in Tiers 1 through 5, FAS is the average earnings during the highest consecutive 36 months (or in some situations, 12 months) of credited service used in retirement benefit calculation. For Tier 6 members, FAS is the average earnings during the highest consecutive 60 months of credited service. The final average salary calculation is subject to certain limitations under each tier.

Gross Salary Paid: Part of the information supplied to us by employers each month via Retirement Internet Reporting (RIR). This information is used to determine member contributions and final average salary.

Internet Reporting: See Retirement Internet Reporting.

Internet Salary Listing: A program for participating employers that provides an electronic record of their employees who were members of the Retirement System on March 31st of the previous fiscal year (April 1st – March 31st). The listing shows the salary and days worked reported by the employer and any adjustments processed through April 17th of the current fiscal year. The salaries on this listing are used to calculate the employer’s fiscal year ending (FYE) reconciliation and estimate the current fiscal year salaries used to calculate the contribution portion of the current FYE invoice.

IRS Limitations: Section 415 of the Internal Revenue Code places limitations on the pensions of those members who joined the Retirement System on or after January 1, 1990, or retire under a retirement plan or benefit enacted or amended on or after October 14, 1987. The amount of the limitation is predetermined based on the member’s age at retirement and is adjusted up to once a year depending on the rate of inflation. Section 401(a)(17) restricts the amount of salary used to determine pension benefits of members who first join the Retirement System on or after April 1, 1996.

Loan: Most members may borrow against their own contributions. Different rules apply to Tier 1 and 2 loans versus Tier 3, 4, 5 and 6 loans.

Maximum Reportable Days: Depending on employer’s payroll frequency, the maximum number of days that can be reported per month to the Retirement System using Retirement Internet Reporting (RIR).

Member Annual Statements: Sent to employers once a year to be distributed to employees. These statements contain individualized information about membership benefits.

Member Service: Retirement credit members receive for their employment with a participating employer. It is based on the salary and service information reported by the employer to us.
Membership:

**Mandatory** — compulsory membership in the Retirement System that applies to all permanent full-time employees, police officers and firefighters.

**Optional** — an individual may, but is not required to, join the Retirement System if he or she is not employed in a position requiring membership. Optional membership does not begin until the membership application is filed and received by us.

**Negative Adjustments:** Refers to the request for a refund by an employer for overpayment of member contributions. Employers who want to recoup money for a transaction reported via RIR should send a letter to the Member & Employer Services Bureau requesting the refund.

**NYSLRS:** New York State and Local Retirement System, comprised of the New York State and Local Employees’ Retirement System and the New York State and Local Police and Fire Retirement System.

**Option (Retirement):** Type of retirement payment chosen when a member retires. Members can choose the Single Life Allowance that pays the maximum benefit — payment stops when the pensioner dies, or one of the following which pays a reduced lifetime benefit and may provide for a beneficiary:

- Cash Refund-Contributions (Tier 1 and 2 members only who have contributions on deposit);
- Cash Refund-Initial Value (Tier 1 members only);
- Joint Allowance-Full;
- Joint Allowance-Half (Tier 1 and 2 members only);
- Joint Allowance-Partial (Tier 3, 4 and 5 members only);
- Pop-Up/Joint Allowance-Full or Half; and
- Five-Year Certain or Ten-Year Certain.

**Out-of-Service Death Benefit:** Beneficiaries of vested members with at least ten years of credited service, who are otherwise gainfully employed at the time of death, or die after one year of discontinuing service, are entitled to receive 50 percent of the ordinary death benefit. [See Death Benefit](#).

**Overpayments:** [See Negative Adjustments](#).

**Overtime Limitation (ERS Members):** For Tier 5 ERS members, overtime payments are reported to NYSLRS up to an annual calendar year cap. Overtime payments for Tier 6 ERS members are reported up to an annual fiscal year cap. Once an ERS member’s overtime earnings have reached the cap, employers should not report to the Retirement System any overtime pay in excess of this cap as it cannot be used in a member’s final average salary calculation.
**Overtime Limitation (PFRS Members):** For Tier 5 and 6 PFRS members, overtime pay in excess of 15 percent of their regular annual wages cannot be used in the final average salary calculation. Employers should not report to the Retirement System any overtime pay in excess of this cap as it cannot be used in a member’s final average salary calculation.

**Partial Lump Sum Option (PLS):** An option that allows certain Police and Fire Retirement System members to receive a lump sum payment of 5, 10, or 15 percent of the total value of their retirement benefit at retirement, depending on the number of years they have been eligible to retire. Their monthly retirement benefit will be permanently reduced. To be eligible, a member must:

- Be covered by a special 20- or 25-year plan; and
- Have been eligible to retire for at least one year

**PFRS:** New York State and Local Police and Fire Retirement System.

**Post-Retirement Death Benefit:** Payable to the beneficiaries of eligible retirees covered by Death Benefit 2. The amount payable varies depending on the retiree’s age, last year’s earnings at retirement and the number of years the individual was retired at the time of death.

**Post-Retirement Reporting (PRR):** Program that allows school districts and BOCES to electronically comply with the reporting requirements established by Section 217 (RSSL) by:

- Providing notification when a NYSLRS retiree earns more than the Section 212 limit (currently $30,000 for calendar year 2013); and
- Reporting annually all public retirees (including independent contractors/consultants) on payroll during the previous calendar year.

**Previous Service:** Members may be able to receive credit for their public service before their current membership in the Retirement System, subject to certain conditions:

- **Non-Member** — service performed before the member’s date of membership.
- **Withdrawn** — service from a previously withdrawn membership in the same or another New York public retirement system.
- **Transferred** — service from an active membership credited in another public retirement system in New York State.
- **Military** — credit for military service. Conditions vary depending on which section of law applies.
- **Prior** — service with a participating employer before the employer elected to participate in the Retirement System.

**Qualifying Service:** Method for determining whether Tier 1 members are eligible for vesting, disability retirement and certain retirement plans based on elapsed time and number of months (including partial months) in paid employment.
Registration Numbers: A unique number given to employers for each employee who is registered or re-registered to membership in the Retirement System. It identifies the member’s tier and must be included on the monthly report when reporting salary to us for the member.

Regulation 315.4: Effective August 12, 2009, this regulation more clearly defines the reporting process and adds additional requirements for both employers and elected and appointed officials, including an expanded record of work activities, a more detailed resolution, and specific time frames for which such requirements are to be completed.

Retiree’s Annual Statement: Sent to retirees each year and contains individualized information concerning pension totals paid the previous calendar year, as well as taxes withheld and beneficiary information.

Retirement Adjustment Reporting (RAR): An online program employers can use to adjust their employees’ previously reported salary, service and/or contribution information. Employers using Retirement Internet Reporting (RIR) to submit their monthly reports can use RAR to make adjustments.

Retirement Internet Reporting (RIR): Program that allows participating employers to report monthly service, salary and contribution information for their employees to the Retirement System via the Internet.

Retirement Plan: Determines the benefits payable to members. Various plans may be adopted by employers for Tier 1 and 2 members. Tier 3 ERS members are covered by Article 14 or Article 15. Tier 4 and 5 ERS members are covered by Article 15. Tier 3 and 5 PFRS members are covered by either Article 11, Article 14 or Article 22.

   Regular Plan — retirement eligibility based on age and years of service credit (i.e., Section 75-i, Article 15).

   Special Plan — retirement eligibility based on employment title and completion of a specified number of years of service credit (i.e., Section 89-b and Section 384-d).

Retirement and Social Security Law (RSSL): The chapter (volume) of law that contains the majority of provisions that directly affect New York State’s public retirement systems and their members.

Retroactive Payments: Payments made to active employees must be reported on the monthly report. Payments paid to members already receiving retirement benefits, disability benefits, or for whom the System has paid a death benefit must be reported by letter. To make an adjustment to a member’s salary due to litigations settlement or any arbitration award, a copy of the legal document must be attached to an Adjustment Report Form (RS2050).
Sections 41-j (ERS) and 341-j (PFRS): Optional coverage adopted by the employer that provides additional service credit upon retirement for unused, unpaid sick leave. Credit for this sick leave cannot be used to meet qualifications for a benefit.

Sections 101 (ERS) and 401 (PFRS), 211 and 212: Sections of law governing situations in which a retiree may return to active employment and still receive a pension. These sections sometimes require suspension or reduction of pension benefits.

Service Credit: Retirement credit for paid public employment with a participating employer of the Retirement System or certain other service. See Member Service and Previous Service.

Service Retirement: Normal retirement benefit available to members who meet the eligibility requirements of their tier and retirement plan.


Standard Work Day and Reporting Resolution for Elected and Appointed Officials: A formal document submitted to us by a participating employer's governing board that establishes a standard work day for each elected and appointed official as well as the days to be reported. Included on this resolution is each official’s name, title, registration number, final four digits of their social security number, standard work day for that position, term end date, whether or not the official participates in a time-keeping system, and the days worked per month based on a record of activities.

Standard Work Day Resolution for Employees: A formal document submitted to us by a participating employer’s governing board that establishes a standard work day for all positions, except for elected and appointed officials, for the purpose of determining days worked reportable to us. See Standard Work Day and Reporting Resolution for Elected and Appointed Officials for information about elected and appointed officials.

Survivor’s Benefit: Death benefit available to the beneficiaries of certain retired New York State employees. If eligibility requirements are met, the benefit is $3,000 for State employees who retired on or after April 1, 1970 and $2,000 for State employees who retired between October 1, 1966 and March 31, 1970.

TIAA-CREF: Teachers’ Insurance Annuity Association-College Refund Equity Fund. Service rendered under the TIAA-CREF is neither transferable nor creditable in the Retirement System. However, ERS members who subsequently become members of TIAA-CREF will continue to accrue member service for the purpose of qualifying for a benefit, such as vested rights, as long as they continue active membership under TIAA-CREF.

Tier: Category established by legislation to which members are assigned depending on their membership date. There are six tiers in ERS and five tiers in PFRS. Benefits differ under each tier.
Tier Reinstatement: Process by which members may have their membership date and possibly their tier changed if they were previously members of a public retirement system in New York State.

Transfer: Process of consolidating an active membership in one public retirement system with another active membership in a different public retirement system within New York State.

Vesting: Attainment of sufficient service credit that entitles members to retirement benefits when they reach retirement age. The requirement is five years of credited member service to be eligible for a pension benefit (ten years for Tier 5 and 6 members), or ten years of credited service, that includes at least five years of member service, to be eligible for both a pension and a death benefit. (Tier 1 members may attain vested rights through Qualifying Service.)

Withdrawal of Membership: Termination of Retirement System membership.

Voluntary — available to non-vested members and vested members with less than ten years of service credit. Eligible members may withdraw their Retirement System membership once they are separated from service for at least 15 days and file a Withdrawal Application (RS5014).

Mandatory — process by which non-vested individuals who are out of public employment for over seven years are terminated from their Retirement System membership.

Workers’ Compensation: Funds paid in lieu of salary by the New York State Workers’ Compensation Board to a disabled employee whose injury was job-related.
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