

# your retirement plan

En-Con Police Officers Plan  
For Tier 1, 2, 3, 5 and 6 Members  
(Section 383-b)

New York State Office of the State Comptroller  
**Thomas P. DiNapoli**



New York State and Local  
Police and Fire Retirement System

## A Message From Comptroller Thomas P. DiNapoli

As a member of the Retirement System, you are covered by a plan that provides important benefits. This publication explains some of the benefits and services available to you as a member of our system, including:

- Benefits you will receive at retirement if you meet the service and age requirements (service retirement benefits);
- Benefits you may receive if you become permanently disabled (disability retirement benefits);
- Benefits your beneficiary may receive if you die while working for a public employer or, if eligible, after you leave public employment (death benefits); and
- Benefits you may receive at a later date, even if you leave public service before you become eligible to retire (vested benefits).



I am joined by a staff of dedicated professionals in my commitment to helping you make informed decisions about your future. I encourage you to contact us with any questions or suggestions you might have.

Sincerely,

A handwritten signature in black ink that reads "Tom DiNapoli". The signature is fluid and cursive, with a prominent flourish at the end.

Thomas P. DiNapoli  
State Comptroller

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# About Your Membership

## RETIREMENT SYSTEM MEMBERSHIP

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Police officers and paid firefighters working for employers that participate in the New York State and Local Police and Fire Retirement System (PFRS) must become members of the Retirement System.

When you become a member, you must complete and file a membership application with the Office of the State Comptroller.

### Special Plan Coverage

If you become employed as a police officer in the New York State Department of Environmental Conservation's Division of Law Enforcement on or after January 1, 1987, coverage in this special plan is automatic. If you were employed as an En-Con police officer when this plan was enacted in 1986, you must have elected coverage by December 31, 1986.

## TIER STATUS

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When you join the Retirement System, you are assigned to a tier depending on your date of membership.

You are in:	If you joined:
Tier 1	Before 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 or after

\*Tier 3 members in the En-Con Police Officers Plan are covered by Article 11 benefits. Other PFRS members who joined July 1, 2009 through January 8, 2010 and did not elect to be covered by Article 22 (i.e., did not opt into Tier 5), can be covered by Article 11 or Article 14 benefits, depending on their retirement plan election.

There is no Tier 4 in the New York State and Local Police and Fire Retirement System.

## CONTRIBUTING TOWARD YOUR RETIREMENT

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### Tier 1, 2 and 3 Members

If you are a Tier 1 or 2 member, or a Tier 3 member covered by Article 11 benefits, you are not required to contribute toward your retirement benefits, but may elect to make voluntary annuity savings contributions to the Retirement System. These contributions, plus the interest they earn, will provide you with an annuity when you retire.

### Tier 5 Members

If you are a Tier 5 member, you are required to contribute 3 percent of your reportable earnings toward your retirement benefits until you retire or have 32 years of service credit, whichever occurs first. These mandatory contributions are not annuity savings contributions and will not provide you with an annuity when you retire.

There will be some exceptions. For example, PFRS members covered by a collective bargaining agreement requiring the employer to offer a non-contributory plan that was in effect on January 9, 2010, and is still in effect on the date of membership, may not contribute.

### Tier 6 Members

As a Tier 6 member, you are required to contribute 3 percent of your reportable earnings toward your retirement benefits during fiscal year 2012-13. Beginning April 1, 2013, you are required to contribute a specific percentage of your annual salary, as shown below, until you retire or have 32 years of service credit, whichever occurs first. These mandatory contributions are not annuity savings contributions and will not provide you with an annuity when you retire.

Annual Wage	Contribution Rate
\$45,000 or less	3%
\$45,000.01 to \$55,000	3.5%
\$55,000.01 to \$75,000	4.5%
\$75,000.01 to \$100,000	5.75%
More than \$100,000	6%

There will be some exceptions. For example, PFRS members covered by a collective bargaining agreement requiring the employer to offer a non-contributory plan that was in effect on January 9, 2010, and is still in effect on the date of membership, may not contribute.

## **BECOMING ELIGIBLE FOR A BENEFIT**

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You may retire at any age after completing 25 years of En-Con police service, or you may qualify for a service retirement if you reach age 60 before having served 25 years as an En-Con police officer.

Once you have met the minimum service credit requirement, you will be vested. This means you have earned the right to receive a retirement benefit, even if you leave public employment.

- Tier 1, 2 and 3 members must have five years of credited service.
- Tier 5 and 6 members must have ten years of credit.

Tier 1, 2, 3 and 5 members who are off public payroll may collect a vested retirement benefit at age 55. Tier 6 members who are off public payroll may collect a vested retirement benefit at age 63. The amount of your vested benefit is based on your service, age at retirement and the salary you earned when you were an active member.

Vesting is automatic — you do not have to fill out any paperwork or file an application to become vested. However, you will need to file an application to begin receiving your vested benefit.

## **ENDING YOUR MEMBERSHIP**

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Once you join, there are five ways your membership can end:

- If you do not have at least five years of credited service (ten for Tier 5 and 6 members) and seven years have elapsed since you last worked for a participating public employer;
- If you are not vested, leave public employment and voluntarily withdraw your membership;
- If you transfer your membership to another New York State public retirement system;
- If you retire; or
- If you die.

“Public employment” means paid service as an officer or employee with an employer that participates in the New York State and Local Retirement System.

# Service Credit

## FULL- AND PART-TIME SERVICE CREDIT

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### Full-Time Employment

If you join the Retirement System on the day you begin employment with a participating employer and work on a full-time, continuous basis, we calculate your retirement service credit by subtracting your beginning date of employment from the date you actually leave paid employment.

### Part-Time Employment

Service credit may be prorated for Tier 1 members employed on a less than full-time basis. For Tier 2, 3, 5 and 6 members, part-time employment is credited as the lesser of:

$$\begin{array}{c} \text{number of days worked} \div 260 \text{ days} \\ \text{or} \\ \text{annual salary reported} \div (\text{State's hourly minimum wage} \times 2,000) \end{array}$$

Employers report days worked and salary to us.

## LEAVES OF ABSENCE

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Tier 1 members receive full credit for sick leave at half pay; Tier 2, 3, 5 and 6 members receive half credit for sick leave at half pay. Since service is usually not credited for any period of time you do not receive a salary, credit is not given for:

- Leaves of absence without pay;
- Authorized, unpaid medical leaves of absence; or
- Unpaid leave under the federal Family and Medical Leave Act.

You will usually receive up to one year of service credit for each accident while on Workers' Compensation leave.

## **CREDITABLE SERVICE <sup>1</sup>**

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Creditable service under this special plan includes all service performed as an En-Con officer. Certain military service may also be creditable towards the 25 years required for service retirement eligibility. Service performed in titles other than those mentioned will count toward your vested, disability and death benefits but not toward your 25-year service retirement benefit.

## **CREDIT FOR PREVIOUS OR MILITARY SERVICE**

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You may be able to obtain credit for your previous public employment or military service. It is very important that you claim all the service credit you are entitled to receive as early as possible, because records documenting your previous service may be lost or destroyed with the passage of time.

Please note that certain types of credit listed below may not provide additional benefits under your special plan. Contact us to verify what service would be creditable.

### **Prior Service**

Prior service is any period of time you received salary from a participating employer before that employer elected to participate in the Retirement System.

### **Service Before Your Date of Membership**

You may receive credit for working for a participating employer before you joined the Retirement System.

### **Military Service**

You may be able to receive credit for some or all of your military service. To determine your eligibility and the cost, if any, please send us a copy of your Certificate of Release or Discharge from Active Duty (DD-214).

### **Service From a Previous Membership**

If you previously were a member of this System, or another public retirement system in New York State, your service may be recredited and your date of membership and tier restored. However, an earlier tier of membership does not always result in a better benefit. Please review your options carefully before making your decision, and contact us with any questions you may have.

For reinstatement to Tier 1, Tier 2 or to an earlier membership date within Tier 2, send us a completed Application to Reinstate a Former Tier 1 or 2 Membership (RS5506). If your previous membership was with another retirement system, please write to our Member & Employer Services Bureau.

<sup>1</sup>Updated 8/14



## **APPLYING FOR PREVIOUS OR MILITARY SERVICE CREDIT <sup>1</sup>**

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To receive credit for any type of previous or military service, send a written request (which must be received before your effective date of retirement) to our Member & Employer Services Bureau. Please include as much information as you can about the period of employment for which you are seeking credit. We will determine your eligibility to receive the credit and any cost involved.

Requesting credit for your previous public employment as early in your career as possible ensures that:

- If there is a cost, it will be less expensive than if you wait to purchase it at a later date.
- Your retirement benefit will be processed more quickly if your service credit is in order.
- Records we need to verify your service will be more readily available.

If you are requesting previous service credit to establish eligibility for a vested retirement benefit, you must request this credit while you are on the payroll of a participating employer. If you receive a statement of the cost after you leave the payroll, you must make payment within 30 days of notification.

## **ADDITIONAL SERVICE CREDIT FOR SICK LEAVE (SECTION 341[j])**

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Under Section 341(j) of the Retirement and Social Security Law, you may receive service credit for your unused, unpaid sick leave days at retirement. To be eligible for this benefit, you must retire directly from public employment or within a year after separating from service. The additional credit is determined by dividing your total unused, unpaid sick leave days, which cannot exceed 165, by 260.

Credit for your unused sick leave at retirement cannot be used to:

- Qualify for vesting. For example, if you have four years and ten months of service credit and you need five years to be vested, your sick leave credit cannot be used to reach the five years.
- Qualify for a better retirement benefit calculation. For example, if you have 19½ years of service credit but your pension will improve substantially if you have 20 years, your sick leave credit cannot be used to reach the 20 years.
- Increase your pension beyond the maximum amount payable under your retirement plan.
- Meet the service credit requirement to retire in a special 20- or 25-year plan.

<sup>1</sup> Updated 3/13

## Final Average Salary

Your pension is based on your years of credited service and your final average salary (FAS). For Tier 1, 2, 3 and 5 members, FAS is the average of the wages you earned during any 36 consecutive months of service when your earnings were highest. For Tier 6 members, it is the average of your highest 60 consecutive months of earnings. This is usually your years of employment immediately before retirement.

The calculation of your FAS can include, but is not limited to, the following types of payments. In some cases, certain restrictions may apply.

- Regular salary;
- Overtime earned in the period used in the FAS;\*
- Holiday pay;
- Noncompensatory overtime earned for each year in the FAS period;\* and
- Longevity payments (maximum of one per FAS year), if earned in the years used in the FAS calculation.

The following types of payments are **not** considered regular compensation and, in most cases, will not be included in your FAS calculation:

- Unused sick leave;
- Payments made as a result of working your vacation;
- Any form of termination pay;
- Payments made in anticipation of retirement;
- Lump sum payments for deferred compensation; and
- Any payments made for time not worked.

\* For Tier 5 and 6 members, the total amount of overtime and noncompensatory overtime that can be included in your FAS calculation is limited to 15 percent of your salary.

## LIMITATIONS

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### Tier 1

If your date of membership is June 17, 1971, or later, the wages in any 12-month period used in the FAS calculation cannot exceed the earnings in the preceding 12-month period by more than 20 percent. Any amount in excess of 20 percent will be excluded from the computation of your FAS. Also, payment for up to 30 days of accumulated unused vacation will be included in your FAS calculation if:

- Your date of membership is before April 1, 1972; and
- Your FAS is based on the 36 months of earnings immediately preceding your date of retirement.

### Tiers 2 and 3

If the earnings in any year included in the FAS period exceed the average of the previous two years by more than 20 percent, the amount in excess of 20 percent is excluded from the computation of your FAS.

Payment for accumulated vacation is not included in the calculation of your FAS.

### Tier 5

If the earnings in any year included in the FAS period exceed the average of the previous two years by more than 20 percent, the amount in excess of 20 percent is excluded from the computation of your FAS.

Payment for accumulated vacation is not included in the calculation of your FAS, and the amount of overtime that can be included in your FAS is limited to 15 percent of your salary in any given year.

### Tier 6

If the earnings in any year included in the FAS period exceed the average of the previous four years by more than 10 percent, the amount in excess of 10 percent is excluded from the computation of your FAS.

Payment for accumulated vacation is not included in the calculation of your FAS. Earned compensation which exceeds the Governor's annual salary, currently \$179,000, is excluded, as well as salary paid by more than two participating employers. The amount of overtime that can be included in your FAS is limited to 15 percent of your salary in any given year.

# Service Retirement Benefit

## ELIGIBILITY

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You may retire at any age after completing 25 years of En-Con police service, or you may qualify for a service retirement if you reach age 60 before having served 25 years as an En-Con police officer.

## THE BENEFIT

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With 25 years of creditable service, your benefit will equal 1/50th (2 percent) of your FAS for each year of En-Con police service. For each year of service beyond 25 years, including service other than as an En-Con police officer, you will receive an additional 1/60th (1.66 percent) of your FAS, up to a maximum of 15 years for Tier 1 members and seven years for Tier 2, 3, 5 and 6 members.

Your total benefit cannot exceed 75 percent of your FAS if you are a Tier 1 member, or 61.67 percent of your FAS if you are a Tier 2, 3, 5 or 6 member.

If you retire at age 60 before completing 25 years of service, you will receive a benefit equal to 1/50th (2 percent) of your FAS for each year of En-Con police service and 1/60th (1.66 percent) of your FAS for each year of non-En-Con police service. Your total benefit may not exceed one-half (50 percent) of your FAS. If you are at least 55 at retirement, and an alternative regular plan would provide a greater benefit, the greater benefit will be paid.

## FILING

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The Application for Service Retirement (RS6037) must be on file with the Office of the State Comptroller at least 15 days, but not more than 90 days, before the date on which your retirement will occur. The 15-day filing requirement is waived if you are over age 70 at retirement.

# Choosing a Payment Option

## RECEIVING YOUR BENEFIT AND FILING YOUR OPTION ELECTION

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### Receiving Your Benefit

At retirement, you must decide how you want your retirement benefit paid. You can choose from several options, all of which will provide you with a monthly benefit for life. For example, you may elect the Single Life Allowance, which provides the maximum amount payable during your lifetime, with nothing payable to a beneficiary upon your death. Or, you may elect to receive a smaller monthly benefit to provide for a possible payment to a designated beneficiary after your death.

### Filing Your Option Election

You must file your Option Election form (unless notified otherwise, as in the case of disability retirement) before the first day of the month following your retirement date. You have up to 30 days after your pension benefit becomes payable to change your selection. If you are a disability retiree, you may change your option selection up to 30 days after your disability application is approved, or up to 30 days after your retirement date, whichever is later.

If your election is not timely, by law we must process your retirement as if you had selected Cash Refund — Contributions (Option ½), with your estate named as beneficiary.

## AVAILABLE OPTIONS

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### **Single Life Allowance (Option 0)**

This is the basic retirement benefit. It provides for the maximum benefit payment to you each month for the rest of your life. Under this selection, all payments cease upon your death. When you die (even if it is only one year, or sooner, after retiring), nothing will be paid to any beneficiary.

### **Cash Refund — Contributions (Option ½)**

(Available only to members with annuity savings contributions on deposit)

This option will provide you with a reduced monthly benefit for your lifetime. At your death, the unpaid balance of your accumulated annuity savings contributions will be paid to your beneficiary or your estate. If all of your accumulated annuity savings contributions have been expended, all payments will cease upon your death. The mandatory contributions made by Tier 5 and 6 members are not annuity savings contributions.

### **Cash Refund — Initial Value (Option 1)**

(Available to Tier 1 members only)

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

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

### **Joint Allowance — Full\***

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

### **Joint Allowance — Half\***

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

### **Pop-Up/Joint Allowance — Full or Half\***

These options will provide you with a reduced monthly benefit for your lifetime. If you die before your beneficiary, we will continue paying the same monthly amount or one-half that amount (without COLA), depending on which option you elect, to your beneficiary for life. If your beneficiary dies first, your benefit will be increased to the amount you would have received if you had selected the Single Life Allowance at retirement, and all payments will cease upon your death.

### **Five Year Certain and Ten Year Certain**

These options will provide you with a reduced monthly benefit for your lifetime, with the additional guarantee that if you live for less than five years or ten years after retirement, depending upon which option you elect, payments in the same amount you were receiving (without COLA) will be made to your beneficiary for the balance of the five- or ten-year period.

You may change your beneficiary within the five- or ten-year period.

### **Alternative Options**

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

\* If you elect this option, you must submit proof of your beneficiary's birth date. You can designate only one beneficiary and you cannot change your designated beneficiary after your retirement. If your beneficiary is your spouse at the time of your death, he or she will be eligible for 50 percent of your COLA.

# 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 your retirement benefit is finalized.

## ELIGIBILITY

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

- Retire under a special 20- or 25-year plan;
- Retire on or after April 1, 2008;
- Have been eligible to retire with a service retirement benefit for at least one year prior to your date of retirement; and
- Retire with a service retirement (not a disability retirement).\*

## CHOOSING A LUMP SUM PAYMENT

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When you file for retirement, if you are eligible for PLS, we will send you a special Option Election Form so you can choose a PLS payment along with the standard retirement option you want for your continuing lifetime benefit.

\* If you receive a PLS payment under a service retirement benefit and are later approved for a disability retirement benefit, the PLS payment must be repaid if you convert to the disability benefit. Additionally, severe tax consequences may apply in some situations.



## LUMP SUM PAYMENT AMOUNTS<sup>1</sup>

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If you file for retirement after being eligible to retire for at least one year, you can choose to receive a lump sum payment equal to a specific percentage of the value of your retirement benefit, as shown below. Your Single Life Allowance will be reduced by the same percentage as the PLS option you have chosen. If you choose a different option, that option amount will be calculated based on your reduced Single Life Allowance.

Years You've Been Eligible to Retire	Available PLS Payment Options*
1	5%
2	5 or 10 %
3	5, 10 or 15%
4	5, 10, 15 or 20%
5 or more	5, 10, 15, 20 or 25%
<b>* A percentage of the value of your retirement benefit.</b>	

Future cost-of-living adjustments (COLAs) will be based on the amount of your reduced lifetime benefit. The lump sum payment is excluded from the COLA calculation.

## FOR MORE INFORMATION

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For more information, including the taxability of a PLS payment, please refer to our publication, *Partial Lump Sum Payment at Retirement* (VO1750).

<sup>1</sup> Updated 12/13

## Items That May Affect Your Pension

### IRS PENSION LIMITATION

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Internal Revenue Code Section 401(a)(17) limits the amount of salary that qualified pension plans, including the New York State and Local Retirement System, may use in the calculation of benefits. It affects members who first join on or after April 1, 1996, and currently excludes earnings over \$250,000 (effective April 1, 2012) in the State's fiscal year (April 1st – March 31st). The amount is set by federal law and is periodically adjusted for inflation.

### BORROWING AGAINST YOUR CONTRIBUTIONS

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If you meet eligibility requirements, you may take a loan from the Retirement System.

Before you apply, you should be aware of the federal tax laws pertaining to Retirement System loans.

**Your loan will be taxable if:**

- The loan amount exceeds federal limits.
- You have a loan with a deferred compensation (457) or tax-sheltered annuity (403-b) plan through your current employer that causes your loan to exceed the federal limits for nontaxable loans. Exceeding these limits could result in significant tax consequences for you.
- You do not make the required payments on your loan at least once every three months or do not complete payment within five years from the date the loan was issued.
- You retire or withdraw from the Retirement System and have one or more outstanding loan balances.

If your loan is taxable, or becomes taxable as described above, you must include it on your federal income tax return for the year the loan is granted or becomes taxable. If you are under 59½ at the time, you may be required to pay a 10 percent penalty tax in addition to any ordinary federal income tax you owe. Please consider consulting a tax advisor before applying for a taxable loan from the Retirement System.

If you already have an outstanding loan with us and want to take another loan, please contact our Call Center and connect with our automated information line to determine if refinancing your current loan or carrying multiple loans would be better for you. Although the repayment amount may be larger if you choose a multiple loan, the taxable amount of a refinanced loan is always higher, unless the entire refinanced loan is nontaxable.

### **Tier 1 and 2 Members, and Tier 3 Members Covered by Article 11 Benefits**

The following rules apply when borrowing against your contributions:

- You must be in active service and have one year of member service credit.
- Each loan must be for a minimum of \$25, so you must have an annuity savings balance of at least \$33.35. The total of all your loans may not be more than 75 percent of your annuity savings contributions balance. Annuity savings contributions are those you make voluntarily or are required to make under Article 11.
- You repay each outstanding loan through payroll deductions in an amount sufficient to repay the loan and interest within five years.
- You may borrow only once in any 90-day period.
- Prior to retirement, and 30 days after issuance, loans are fully insured in case you die before repaying them.
- To apply, you must file a Loan Application (RS5025) with us.

If you retire with an outstanding loan, the annuity portion of your retirement benefit will be **permanently reduced**.

**Please note:** You cannot pay off your loan balance once you retire. The amount of your annuity reduction will be based on your age, the loan balance at retirement, and type of retirement (service or disability).

### **Tier 5 and 6 Members**

The following rules apply when borrowing against your contributions:

- You must be in active service and have one year of member service credit.
- Each loan must be for a minimum of \$1,000, so you must have an account balance of at least \$1,334. The total of all your loans may not be more than 75 percent of your contribution balance.
- You repay each outstanding loan through payroll deductions in an amount sufficient to repay the loan, interest and insurance premium within five years. The minimum deduction to repay your outstanding loan balances must be at least 2 percent of your salary.
- You may borrow only once in any 12-month period.
- Prior to retirement, and 30 days after issuance, loans are fully insured in case you die before repaying them.
- To apply, you must file a Loan Application (RS5025-A) with us.

Any outstanding loan balance when you retire will **permanently reduce** your pension.

**Please note:** You cannot pay off your loan once you retire. The amount of your pension reduction will be based on your age, the loan balance at retirement, and type of retirement (service or disability).

These are examples of how your service retirement benefit will be permanently reduced by an outstanding loan balance at retirement. The approximate reductions are for calendar year 2013.<sup>1</sup> The amount of the reduction changes annually.

At Age	Outstanding Loan Balance	Annual Pension Reduction
45	\$5,000	\$232
	\$10,000	\$464
55	\$5,000	\$279
	\$10,000	\$558
65	\$5,000	\$364
	\$10,000	\$728

## **COST-OF-LIVING ADJUSTMENT**

Once you meet the eligibility requirements, including age and number of years retired, your retirement benefit will permanently increase each year. This adjustment, subject to pension caps and limitations, is 50 percent of the previous year's annual rate of inflation, but never less than 1 percent or more than 3 percent of your benefit. The adjustment percentage is applied only to the first \$18,000 of your Single Life Allowance, even if you selected a different option at retirement.

You will begin receiving cost-of-living adjustments (COLAs) when you are:

- Age 62 or older and retired for five or more years;
- Age 55 or older and retired for ten or more years; or
- Receiving a disability pension for five or more years.

When you die, if you selected an option that pays a lifetime benefit to your beneficiary, and the beneficiary is your spouse, he or she will be eligible to receive half of the COLA amount you would have been entitled to receive.

<sup>1</sup> Updated 3/13

## **DIVORCE**

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The New York State Court of Appeals has determined that retirement benefits are marital property and subject to equitable distribution. “Equitable distribution” is the division of marital assets between spouses after the marriage has ended. This division must be stated in the form of a Domestic Relations Order (DRO) if we are to pay a portion of your pension to your ex-spouse.

A DRO gives us specific direction on how your retirement benefits should be divided. However, it does not allow for a distribution of your pension until you actually retire, die or terminate membership.

If you are divorced, it is especially important to review your beneficiary designations to ensure your benefits will be distributed according to your wishes. Effective July 7, 2008, beneficiary designations for certain benefits are revoked when a divorce, annulment or judicial separation becomes final. An exception applies if the terms of a DRO specify otherwise. Beneficiary designations may be revoked for the Ordinary Death Benefit, Cash Refund Initial Value option (Tier 1), Cash Refund Contributions option (Tiers 1, 2 and 3) and Five and Ten Year Certain options. The Survivor Benefit beneficiary designations made by retirees who chose the Single Life Allowance option or certain alternative options may also be revoked.

For more information on how your pension benefits may be affected by divorce, consult your attorney, contact our Matrimonial Bureau, and review the Divorce and Your Benefits page of our website.

# Vested Retirement Benefit

## ELIGIBILITY

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You are eligible for a vested retirement benefit if you leave public employment before retirement age and have met the minimum service requirement. Tier 1, 2 and 3 members must have five years of credited member service. Tier 5 and 6 members must have ten years of service credit. When you reach retirement age, you will be entitled to a retirement benefit based on your service and salary earned when you were an active member.

The date you are eligible to retire depends on your tier:

- Tiers 1 & 2 — the first of the month following your 55th birthday.
- Tiers 3 & 5 — your 55th birthday.
- Tier 6 — your 63rd birthday.

## YOUR VESTED BENEFIT

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Your vested retirement benefit is 1/60th (1.66 percent) of your FAS for each year of credited service. The retirement benefit is payable for your lifetime. You may elect one of several payment options to provide for a continuing payment to a designated beneficiary of your choosing after your death.

## FILING

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To receive your vested retirement benefit at the earliest possible date, file a retirement application within 90 days before you become eligible. If we receive your retirement application after you become eligible, your vested retirement will be effective on the date the application is received.

**Remember, it is up to you to file a retirement application when you become eligible and wish to receive your vested benefit.**

# Disability Retirement Benefits

## **ORDINARY DISABILITY**

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This benefit is available to you only if you last joined the Police and Fire Retirement System before September 1, 1997. For those who last joined on or after September 1, 1997, only the performance of duty and the En-Con police disability benefits are available.

### **Eligibility**

If you are unable to perform your duties because of permanent physical or mental incapacity and have ten or more years of service credit, you may be eligible for an ordinary disability retirement benefit.

### **The Benefit**

If approved, this is a benefit equal to the greater of:

- 1/60th (1.66 percent) of your FAS for each year of credited service; or
- 1/60th (1.66 percent) of your FAS for each year of credited service, plus 1/60th of your FAS for each year of service you might have earned before attaining age 60, but not more than one-third of your FAS.

The benefit would also include an annuity based on any annuity savings contributions you have made.

If you are 60 or older at the effective date of your disability retirement your ordinary disability benefit would be equal to the benefit payable to you at the normal retirement age of 62, not to exceed one-third of your FAS.

If you are 60 or older at the effective date of your disability retirement, and you have more than 20 years of credited service, your ordinary disability benefit would be equal to the benefit that would be payable to you as a service retirement.

You must select an option for the payment of your disability benefit.

## Filing

You, your employer, or someone authorized with your power of attorney may file your application for ordinary disability retirement benefits. If you are eligible, applications for ordinary disability, accidental disability, performance of duty disability, En-Con police disability and regular service retirement benefits may be submitted simultaneously. However, your application for ordinary disability retirement must be submitted while you are in service or within 90 days from the date you:

- Are last paid on the payroll;
- Are last on an authorized medical leave of absence for up to two years (which may be extended for an additional two years), as long as you have not resigned or been terminated while receiving those benefits; or
- Last receive Workers' Compensation or other similar employer-funded benefits, as long as you have not resigned or been terminated while receiving those benefits.

## EN-CON POLICE DISABILITY BENEFIT (SECTION 363-e)

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### Eligibility

You would be entitled to this disability benefit if, at the time of filing, you are:

- Under age 60.
- Physically or mentally unable to perform your duties as the natural and proximate result of a disability sustained in service, not caused by your own willful negligence, regardless of your years of service. (For a disability not sustained in service, you must have at least five years of total service credit as a police officer in the New York State Department of Environmental Conservation's Division of Law Enforcement.)
- In the service upon which your membership is based. If you are discontinued from this service, voluntarily or involuntarily, you may apply within two years of the discontinuance if the disability is work-related. If the disability is not work-related, you must apply within 90 days of the discontinuance.

For this benefit, "service" is when you are:

- On the payroll;
- On an authorized medical leave of absence (with or without pay); or
- Receiving Workers' Compensation or similar employer-funded benefits. Receiving Workers' Compensation or similar employer-funded benefits.



## **The Benefit**

The benefit would be equal to one-half (50 percent) of your FAS, plus an annuity based on any annuity savings contributions you have made. The mandatory contributions made by Tier 5 and 6 members are not annuity savings contributions, and these members would not receive an annuity based on those contributions.

Your Retirement System benefits are paid in addition to any Workers' Compensation payments or Social Security disability benefits which might be payable. The sum of these benefits cannot exceed your final salary. The portion of your pension which exceeds your final salary will be suspended until the combined benefits are less than or equal to your final salary. "Final salary" is the maximum salary or compensation that you would have been receiving in the position from which you last retired for disability.

If you have 25 or more years of En-Con police service, and are eligible for service retirement, your disability benefit will be calculated in the same manner as the service retirement benefit.

If the application is approved, you will receive benefits from the date of application for the benefit or from the day after the date you were last paid, whichever is later. You must also select an option for the payment of your disability benefits.

## **Filing**

You, your employer, or someone authorized with your power of attorney may file your application for disability retirement benefits. If you are eligible, applications for ordinary disability, accidental disability, performance of duty disability, En-Con police disability and regular service retirement benefits may be filed simultaneously.

## PERFORMANCE OF DUTY DISABILITY<sup>1</sup>

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### Eligibility

You may be entitled to a performance of duty disability benefit if you are found permanently disabled as a result of the performance of your duties, regardless of the amount of service you may have.

You may also be eligible if you are permanently disabled by heart disease, but passed a physical examination upon entry to service that did not reveal any evidence of disease or other impairment of the heart (Chapter 437 of the Laws of 2016). If you are applying for disability benefits due to heart disease, your application must be filed while you are in service.

### Notice of Occurrence

To be eligible for this benefit, you must file an application for a performance of duty disability retirement benefit within one year following the alleged incident or occurrence. Otherwise, you must have filed a written notice of the incident or occurrence with:

- The Retirement System within 90 days of the incident or occurrence; or
- Your employer within 30 days of the date of the incident or occurrence, if your employer is covered by the Workers' Compensation Law or if the incident or occurrence took place on or after September 1, 1980.

The written notice must detail the time and place of the incident or occurrence, the particulars thereof, the nature and extent of your injuries, and the alleged incapacity.

### The Benefit

If approved, the benefit would be equal to one-half (50 percent) of your FAS plus an annuity based on any annuity savings contributions you have made. The performance of duty disability benefit is not reduced by any Workers' Compensation benefit you may be eligible to receive. The mandatory contributions made by Tier 5 and 6 members are not annuity savings contributions, and these members would not receive an annuity based on those contributions.

You must also select an option for the payment of your disability benefits.

<sup>1</sup>Updated 12/16

## **Filing**

You, your employer or someone authorized with your power of attorney may file your application for performance of duty disability retirement. The application must be filed while you are still in service or within two years of your discontinuance from service. When filing for this benefit, “in service” is defined as while you are:

- Being paid on the payroll;
- On an authorized medical leave of absence for up to two years (which 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 you have not resigned or been terminated from employment while receiving those benefits.

If you are eligible, applications for ordinary disability, accidental disability, performance of duty disability, En-Con police disability, and regular service retirement benefits may be submitted simultaneously.

## **ACCIDENTAL DISABILITY**

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### **Eligibility**

This benefit is only available to you if you last joined the Police and Fire Retirement System before September 1, 1997.

Regardless of the amount of service credit you may have, if you become permanently incapacitated, either physically or mentally, and unable to perform your job as the natural and proximate result of an on-the-job accident that was not due to your own willful negligence, you may be eligible for this benefit.

You may also be eligible if you are permanently disabled because you contracted HIV (where there may have been exposure to bodily fluids that may have involved the transmission of this disease), tuberculosis or hepatitis after contact with members of the public.

## **Notice of Accident**

To be eligible for this benefit, you must file an application for an accidental disability retirement benefit within one year following the alleged accident. Otherwise, you must have filed a written notice of the accident with:

- The Retirement System within 90 days of the accident; or
- Your employer within 30 days of the date of the accident, if your employer is covered by the Workers' Compensation Law or if the accident occurred on or after September 1, 1980.

The written notice must detail the time and place of the accident, the particulars thereof, the nature and extent of your injuries, and the alleged incapacity.

## **The Benefit**

If approved, the accidental disability retirement benefit is a lifetime pension equal to three-quarters (75 percent) of your FAS, plus an annuity provided by any annuity savings contributions you made while in service.

You must apply for Workers' Compensation benefits if you are eligible. Regardless of tier, the accidental disability benefit will be reduced by the total amount of Workers' Compensation benefits that you are eligible to receive.

You must select an option for the payment of your disability benefits.

## **Filing**

You, your employer, or someone authorized with your power of attorney may file your application for accidental disability retirement. The application must be filed while you are still in service or within two years of your discontinuance from service. When filing for this benefit, "in service" is defined as while you are:

- Being paid on the payroll;
- On an authorized medical leave of absence for up to two years (which 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 you have not resigned or been terminated from employment while receiving those benefits.

If you are eligible, applications for ordinary disability, En-Con police disability, performance of duty disability, accidental disability, and regular service retirement benefits may be submitted simultaneously.

# Death Benefits

## ORDINARY DEATH BENEFIT

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Your beneficiary may be entitled to an ordinary death benefit, in lieu of a monthly pension, if you meet eligibility requirements and your death is not attributable to an on-the-job accident. The beneficiaries of active (not retired) members generally are not entitled to a monthly pension benefit. The first \$50,000 of this benefit is paid in the form of group term life insurance, which is currently exempt from federal income tax. Your accumulated contributions (if any) are also payable to your beneficiary.

### Eligibility

An ordinary death benefit may be payable to your designated beneficiary if you are a:

- Tier 1 member and have completed at least one year of service since last joining the Retirement System; or
- Tier 2, 3, 5 or 6 member and have completed at least 90 days of service since last joining the Retirement System; **and**
- Your death occurs:
  - While you are on the payroll;
  - While you are on an authorized medical leave of absence (with or without pay);
  - While you are receiving Workers' Compensation or other employer-funded benefits, for up to two years (which may be extended for an additional two years) following the last date you were paid on the payroll, provided your employment has not been terminated by resignation, employer action, retirement or any other means while receiving those benefits; or
  - Within 12 months of the last date you were receiving salary, on an authorized medical leave of absence or receiving Workers' Compensation or other employer-funded benefits, provided you were not otherwise gainfully employed or retired during that period.

### Ordinary Death Benefit — Tier 1

This benefit is equal to 1/12th (8.33 percent) of your last year's earnings, multiplied by your years of service credit up to 36 years.

### **Ordinary Death Benefit — Tiers 2, 3, 5 and 6**

This benefit is equal to three times your salary raised to the next highest multiple of \$1,000, as limited by Section 130 of the Civil Service Law.

#### **Filing**

Your family or employer should notify us of your death as soon as possible so we can send the appropriate forms to your beneficiary.

## **ALTERNATIVE & OUT-OF-SERVICE DEATH BENEFITS**

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### **Alternative Death Benefit**

If you die while in service after having become eligible to retire, an alternative death benefit may be payable. This benefit would equal the initial value of your pension under the provisions of the Non-Contributory Retirement Plan (Section 375-c) or this special plan as of the date of your death. A comparison will be made and the greater benefit will be paid.

### **Out-of-Service Death Benefit**

If you are a vested member with at least ten years of credited service, have not retired and you die more than one year after leaving public employment, 50 percent of the death benefit may still be payable. This vested benefit may also be payable if you die within one year of leaving covered service but were gainfully employed during that time.

## **ACCIDENTAL DEATH BENEFIT**

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### **Eligibility**

Regardless of your years of service credit, if you die as the natural and proximate result of an on-the-job accident not due to your own willful negligence, an accidental death benefit may be payable on your behalf.

### **The Benefit**

The accidental death benefit is a lifetime pension if paid to a surviving spouse or dependent parent. The annual benefit is equal to one-half (50 percent) of your FAS (less any Workers' Compensation benefit paid or payable because of your death). Any accumulated contributions will be refunded to your designated beneficiary or to your estate.

The benefit can only be paid to the following family beneficiaries, in this order:

- First, to your surviving spouse, for life;
- Second, where there is no surviving spouse or in the event of his or her death, to minor children until the last child reaches age 18, or if students, until age 23;
- Finally, where there is no surviving spouse or minor children, to a dependent parent for life.

If all the beneficiaries listed above become ineligible for benefit payments, and the payments made to that time do not equal or exceed the amount of the ordinary death benefit that would have been payable at the time of death, we will pay the difference to your designated beneficiary or to your estate. If you have no beneficiaries as listed above, we will not pay the accidental death benefit but will pay the applicable ordinary death benefit to your last designated beneficiary or your estate.

### **Filing**

Your family or employer should notify us of your death as soon as possible so we can forward the appropriate forms to your beneficiary. The application for the accidental death benefit must be filed within two years of your date of death.

## **SPECIAL ACCIDENTAL DEATH BENEFIT**

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### **Eligibility**

If you die under circumstances that permit payment of the accidental death benefit, a special accidental death benefit will be paid to your surviving spouse. If the surviving spouse receiving the special accidental death benefit dies, this benefit will be paid to your children who are under the age of 18 or, if they are students, until the age of 23.

### **The Benefit**

The special accidental death benefit is a pension equal to your salary reduced by:

- The accidental death benefit without reductions; and
- The Social Security benefit payable.

The salary used to compute the special accidental death benefit will not be less than:

- The full salary you would have earned in the highest grade-step; or
- If you were in the highest grade-step of a supervisory position, the salary that would have been payable to a police superior officer or a fire officer.

## World Trade Center Presumption

If you participated in the World Trade Center rescue, recovery or clean up efforts, and you were a member of the Retirement System at that time, you should be aware of the benefits provided by the World Trade Center Presumption law.

- You may be eligible for an accidental disability retirement benefit if you become permanently disabled and unable to perform your job due to a qualifying condition.
- You may be eligible to reclassify your service or disability retirement benefit to an accidental disability retirement benefit if you develop a qualifying condition after you retire.
- Certain family beneficiaries may be eligible to receive an accidental death benefit if you die from a qualifying condition.

There are specific eligibility requirements and filing deadlines that must be met for these benefits. For more information, visit our World Trade Center Presumption webpage.



# Receiving Your Benefits

## APPLYING FOR BENEFITS

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To apply for all Retirement System benefits, you must file the appropriate application form with the Office of the State Comptroller in a timely manner. Forms are available from our website, our Call Center or your employer. Specific filing instructions are detailed in each benefit description. If you need help, you can call or write us, or make an appointment to speak with an Information Representative at one of our consultation sites throughout New York State.

### Filing With the Office of the State Comptroller

Many retirement benefit applications and other documents are required by law to be filed with the Office of the State Comptroller within specific time limits. For a form to be considered as “filed with the Comptroller,” it must be received by our Albany office, one of our consultation sites, or another office of the State Comptroller. **Giving your employer the form does not mean that you have “filed with the Comptroller.”**

As an alternative to visiting our offices to file these time-sensitive documents personally, you can fulfill the filing requirements by mailing the document to us. We will consider it filed when it is delivered to us by the Post Office. If you are concerned about meeting a filing deadline, you can mail the document via “Certified Mail — Return Receipt Requested.” When we receive the document, it will be considered as having been filed on the same date it was mailed.

To meet a filing deadline (such as an application for retirement benefits or an option election form), you can also send the document to us via fax. Although we will consider the form as filed on the date the transmission is received, you must still mail us the original document to continue the process and properly complete the filing requirement.

### Filing Multiple Applications

Should you become ill or disabled and unable to perform your duties, depending on the circumstances, you may be eligible to file applications “without prejudice” for disability and regular service retirement benefits simultaneously. “Filed without prejudice” means we will process all filed applications and, if more than one benefit is approved, you will be given the opportunity to choose your pension from the approved benefits.

## CHALLENGING A DETERMINATION

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We can pay only those benefits authorized by law, and cannot pay you any benefits if you do not meet all the eligibility requirements established by law. If you believe that your benefit has been incorrectly denied or improperly calculated, you may request a hearing and redetermination to be held before an independent hearing officer.

Your request must be in writing and directed to the Hearing Administration Bureau within four months of the determination. We will send you an acknowledgment letter with an explanation of the hearing process when we receive your written request. If you have questions regarding the hearing process, please review our Administrative Hearings FAQs, email the Hearing Administration Bureau at [Hearings@osc.state.ny.us](mailto:Hearings@osc.state.ny.us) or by phone at 1-866-805-0990 or 518-474-7736 in the Albany, New York area.

## How to Stay Informed<sup>1</sup>

Your retirement benefits are an important part of a solid financial plan. They can help you and your beneficiaries achieve financial security in retirement or in the event of disability or death. Use these tips to help you understand your benefits and stay informed.

- Sign up for *E-News*, our free email newsletter, for the latest retirement news. It includes a special section dedicated to pre-retirement planning.
- Read the member newsletters we publish for current retirement information and updates on your benefits.
- Review your Member Annual Statement carefully and correct any errors quickly.
- Visit our website frequently to learn about your benefits, download forms, read informative booklets and brochures, and get tips on preparing for retirement.
- Attend a pre-retirement presentation to learn about the retirement process, find out what you can expect and discuss post-retirement issues. At your employer's request, we offer these presentations designed for members within five years of retirement eligibility.
- Make an appointment to visit any of our consultation sites where you can meet with an Information Representative to discuss special concerns or request specific information.
- Notify us if your mailing address changes, so you can stay up-to-date about benefits. This is especially important if you leave public employment before you are eligible to retire.
- Contact us with any questions you have about your benefits.

<sup>1</sup> Updated 3/15

## About This Publication

This retirement plan publication describes the benefits available to Tier 1, 2, 3, 5 and 6 Police and Fire Retirement System members covered by the Environmental Conservation Police Retirement Plan. (There is no Tier 4 within the Police and Fire Retirement System.) These benefits are provided by Section 383-b of the New York State Retirement and Social Security Law (RSSL) as enacted by the New York State Legislature.

Throughout this publication, you will find references to “Sections” and “Articles” that refer to the RSSL. The New York State and Local Retirement System, headed by the Comptroller of the State of New York, administers these plans. Our main office is in Albany, New York.

This publication is a general summary of membership benefits, rights and responsibilities, and is not a substitute for any New York State or federal law. For specific information about your benefits, please contact us.

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