

# NYSLRS Participation and Retirement Plans

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# Becoming a Participant

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## OVERVIEW

The New York State and Local Retirement System (NYSLRS) 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 NYSLRS

The process of becoming a participating employer in NYSLRS 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 (RSSL), 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.

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

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

## DEFICIENCY CONTRIBUTIONS

After an employer has participated in NYSLRS for one full state fiscal year (April 1 – March 31), 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 NYSLRS 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 1 each year.

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.

# Service Retirement Benefits

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## OVERVIEW

In this section you'll find brief descriptions of NYSLRS service retirement plans.

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, FAS, age and years of credited service. Members receive a percentage of their FAS for each year of service, depending on the plan.

You can find detailed retirement plan information on our Publications page.

## 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

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 for ERS Members

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## 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.

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

### Non-Contributory Plan (Section 75-c)

Members are not required to contribute for service performed on or after April 1, 1960. The pension is 1/60 (1.66 percent) of FAS for each year of member service, 1/60 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 1/60 (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, 1/60 (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 1/50 (2 percent) of FAS for each year of service. The pension portion of this benefit cannot exceed 75 percent of FAS. The benefit cap is raised to 79 percent of FAS if the member is eligible for the additional credit provided by Article 19. Members with fewer than 20 years of service retire under the provisions of Section 75-d or 75-e.

## 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 and 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 1/60 (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 1/50 (2 percent) of FAS for each year of correction service. Non-correction service is included at 1/60 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 1/60 of FAS for each year of service.

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 PFRS 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 1/60 (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 1/60 (1.66 percent) of FAS for each year of service over 25 years, not to exceed three-quarters (75 percent) of FAS.

### 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 1/60 (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 1/60 (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 1/60 (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 1/60 (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.

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 1/60 (1.66 percent) of FAS for each year of service. With 20 or more years of service credit, the benefit equals 1/50 (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 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)<sup>1</sup>

The service retirement benefit equals 1/60 (1.66 percent) of the member's FAS for each year of service credit, up to 20 years. With 20 to 30 years of service credit, the benefit will equal 2 percent of the member's FAS for each year of service credit. Members will receive 1.5 percent of FAS for each year of service credit in excess of 30 years.

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.

<sup>1</sup>Updated 7/18

## Tier 6 Members (Article 15)

The service retirement benefit equals 1/60 (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 1/50 (2 percent) of FAS 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.

## 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 1/50 (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 1/60 (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.

## 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 PFRS 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 1/60 (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 1/60 (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 1/60 (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 1/60 (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 1/60 (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 1/60 (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-e (25-year plan with additional benefits) or Section 553 (20-year plan with additional benefits) to further elect to provide an additional 1/60 (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 NYSLRS to provide the benefits of Section 41-j of the RSSL to all of its employees. This election must be filed in the same manner as the adoption of a new plan (please see the *Employer Billing and Contributions* section).

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.

# Retirement Plans for PFRS Members

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## 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 PFRS. 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.

## 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 1/120 (0.83 percent) of FAS for each year of credited service, plus 1/60 (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 1/140 (0.71 percent) of FAS for each year of member service, plus 1/70 (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 1/60 (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 1/60 (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, 1/60 (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 1/50 (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 1/50 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<sup>1</sup>

Under Article 14, the Retirement System is required to perform an analysis of the cost of any special 20- or 25-year plan adopted by the employer and elected by the member and compare it to the cost of the Article 14 plan. The Retirement System must assign the member to the less costly plan. Members covered by Article 14 are required to contribute 3 percent of their salary for 25 years or until they retire, whichever is earlier. Based on our analysis, we believe that:

- If the member elected the 25-year plan, and the employer has adopted the one-year final average salary (FAS), the member will be covered under Article 14.
- If the member elected the 25-year plan, and the employer has not adopted the one-year FAS, the member will be covered under the 25-year plan.
- If the member elected the 20-year plan, regardless of whether the employer has adopted the one-year FAS, the member will be covered under Article 14.
- If the member did not elect a 20- or 25-year plan, or if the employer did not offer a 20- or 25-year plan, the provisions of Tier 2 (Article 11) apply and the member will be covered under the regular age 55 plan offered by the employer.

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 1/60 of FAS for each year of service less a permanent reduction for early retirement.

### 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 be decreased each April by the amount of decrease in the CPI or 3 percent, whichever is less, but never below the original amount paid.

<sup>1</sup>Updated 7/18

## 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 NYSLRS to provide the benefits of Section 341-j of the RSSL to all of its employees. This election must be filed in the same manner as the adoption of a new plan (please see the *Employer Billing and Contributions* section).

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.

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**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.*

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## 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 NYSLRS 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 1/60 (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 police service with the New York State Department of Environmental Conservation (En-Con). The benefit equals one-half (50 percent) of FAS plus an additional 1/60 (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 ERS to transfer their membership and credit to PFRS. At retirement, members with 25 years of service will receive a benefit equal to one-half (50 percent) of FAS, plus an additional 1/60 (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.

### State University Police Plan (Section 383-d)

Allows members to retire at any age after completing 25 years of university police officer service with the State University of New York (SUNY), or they may retire at age 60 before having served 25 years. The retirement benefit is 1/50 of FAS for each year of SUNY police service, plus an additional 1/60 (1.66 percent) of FAS — a maximum of 15 years for Tier 1 members and seven years for Tier 2, 3, 5 and 6 members — for each year of service beyond 25, including service other than as a SUNY 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.

### 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 ERS is not considered creditable service.

### Additional 1/60 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 1/60 (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 ERS is not considered creditable service.

### Additional 1/60 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 1/60 (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 ERS is not considered creditable service.

### Improved Optional 1/60 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 1/60 (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, 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.



# Disability Retirement Benefits for ERS Members

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## ERS TIERS 1 AND 2

### Ordinary Disability Retirement Benefit (Section 62) [Form RS6038]

This benefit is equal to the greater of:

- $1/60$  (1.66 percent) of the member's FAS for each year of credited service; or
- $1/60$  (1.66 percent) of the member's FAS for each year of credited service, plus  $1/60$  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.

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) [Form RS6047]

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.

## ERS TIER 3 ARTICLE 14

### Ordinary Disability Retirement Benefit (Section 506) [Form RS6411]

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
- 1/50 (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 1/50 (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.

## ERS TIERS 3, 4, 5 AND 6 ARTICLE 15 (SECTION 605)

### Disability Retirement Benefit [Form RS6340]

This benefit is equal to:

- $1/60$  (1.66 percent) of the member's FAS for each year of credited service; or
- $1/60$  (1.66 percent) of the member's FAS for each year of credited service plus  $1/60$  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**

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.



## ERS TIERS 3, 4, 5 AND 6 ARTICLE 15 (SECTION 605-A)

### Special Disability Benefits for Peace Officers and Uniformed Court Officers Employed by the Unified Court System [Form RS6410]

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.

## ERS 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 NYSLRS 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:

- 1/60 (1.66 percent) of the FAS for each year of credited service; or
- 1/60 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, 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) [Form RS6408]

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 NYSLRS 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.

# ERS 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.

## ERS 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.

# ERS 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 [Form RS6409]

This benefit is equal to:

- 1/60 (1.66 percent) of the member's FAS for each year of credited service; or
- 1/60 of the member's FAS for each year of credited service plus 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.

# Disability Retirement Benefits for PFRS Members

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## PFRS TIERS 1, 2, 3 (ARTICLE 11), 5 AND 6

### Ordinary Disability Retirement Benefit (Section 362) [Form RS6038]

The ordinary disability benefit is  $1/60$  (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  $1/60$  of the FAS for each year of service plus  $1/60$  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.

## Performance of Duty Disability Retirement Benefit (Section 363-c) [Form PF6047]

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) [Form RS6047]

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.

## PFRS TIER 3 ARTICLE 14

### Ordinary Disability Retirement Benefit (Section 506) [Form RS6411]

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
- 1/50 (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) [Form RS6411]

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 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 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.



## PPRS NEW YORK STATE POLICE — TIERS 1, 2, 3 (ARTICLE 11), 5 AND 6

### State Police Disability (Section 363-b) [Form PF6090]

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) [Form RS6047]

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.

## PFRS REGIONAL STATE PARK POLICE, ENVIRONMENTAL CONSERVATION OFFICERS, AND FOREST RANGERS — TIERS 1, 2, 3 (ARTICLE 11), 5 AND 6

### Disability Retirement (Section 363-e) [Form PF6091]

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) [Form RS6038]

For environmental conservation officers, forest rangers and regional state park police, this benefit is available only if they last joined the PFRS before September 1, 1997.

The ordinary disability benefit equals  $1/60$  (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  $1/60$  of the FAS for each year of service plus  $1/60$  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) [Form PF6047]

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 PFRS 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.

## Elective Benefits

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### ONE-YEAR FINAL AVERAGE SALARY

You may elect to provide this additional benefit to your PFRS 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 and 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.



## Social Security Coverage

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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 (provides coverage under the federal Old Age and Survivor's Insurance program for individuals employed by New York State and its political subdivisions).

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.

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