

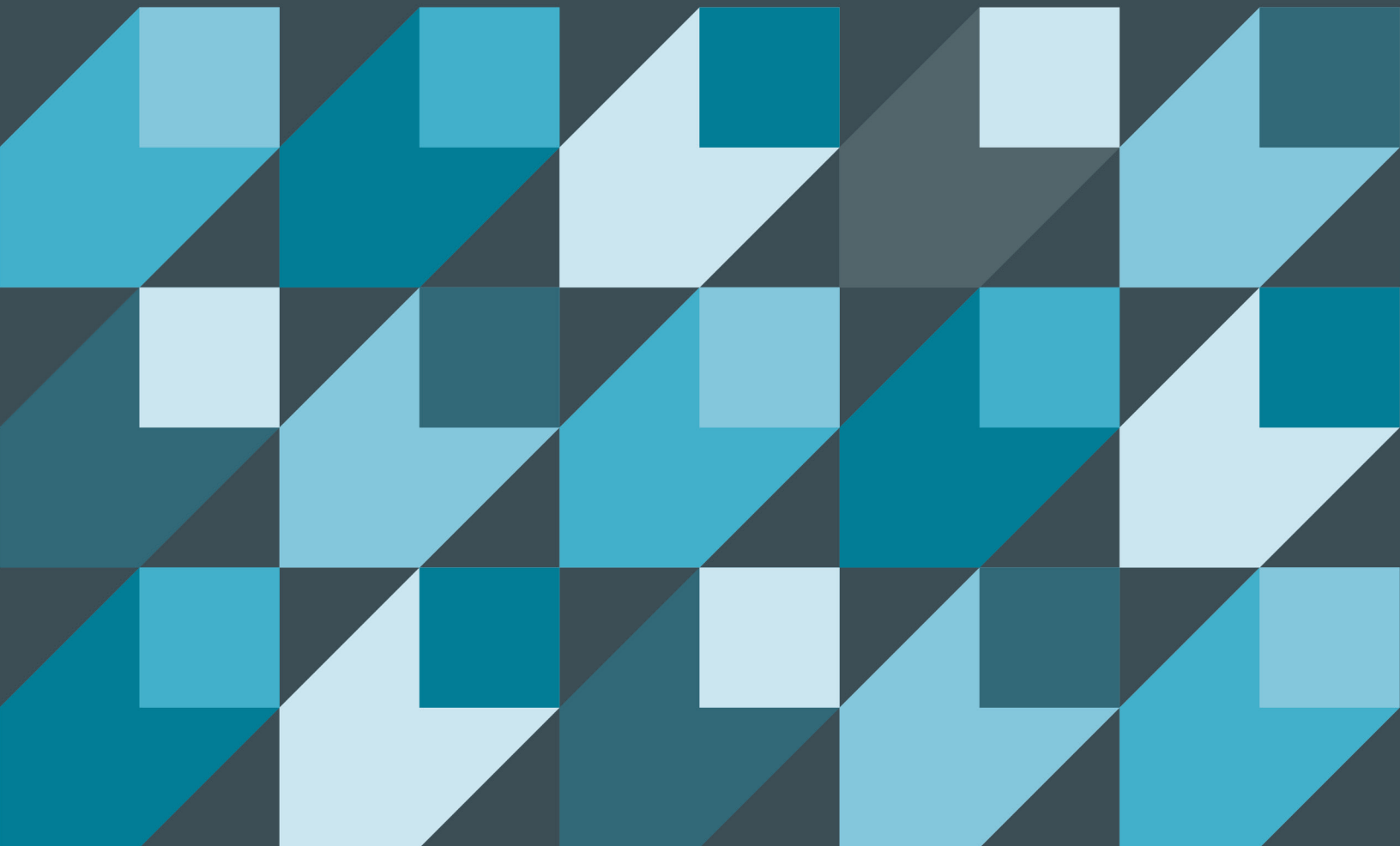


10 Corporate Woods Drive  
Albany, NY 12211-2395  
(800) 348-7298, Ext. 6200  
[legal@nystrs.org](mailto:legal@nystrs.org)

# 2023 Compilation of Laws

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New York State  
Teachers' Retirement  
System



# INTRODUCTION

The New York State Teachers' Retirement System ("NYSTRS" or the "System") publishes a compilation of the principal statutory laws governing the System, as set forth in the Appendix and Unconsolidated Laws contained herein. The compilation is published for the benefit of teachers, administrators, attorneys and others who may have a need to refer to the laws governing the System.

## The System

The New York State Teachers' Retirement System was established pursuant to Chapter 503 of the Laws of 1920. The provisions of Chapter 503 were subsequently recodified by Chapter 820 of the Laws of 1947 as Article 11 of the Education Law.

The System provides retirement and death benefits to the primary and secondary public school teachers of New York state, excluding those in New York City. The System is a defined benefit plan. The benefits provided by the System are calculated pursuant to formulas contained in the laws governing the System and are generally not tied to the contributions made by or on behalf of members. System benefits are funded through returns on System investments, contributions by participating employers and member contributions.

Article 11 of the Education Law is the fundamental law of the System. Among other things, it establishes the Retirement Board, which is the governing body of the System. The members of the Retirement Board are the trustees of the System's assets. The principal statutory authority for the investment of System funds by the Retirement Board is contained in Section 508 of the Education Law and Section 177 of the Retirement and Social Security Law. The Retirement Board, upon the recommendation of the System's actuary, determines the amounts required to be contributed by participating employers.

## Benefits Provided by the System

Article 11 of the Education Law ("Tier 1") contains the provisions governing the benefits provided to teachers with a membership date prior to July 1, 1973. The benefits provided to System teachers with a membership date between July 1, 1973 and July 26, 1976 are governed by the provisions of Article 11 of the Education Law as modified by the provisions of Article 11 of the Retirement and Social Security Law ("Tier 2"). The benefits provided to teachers with a membership date after July 27, 1976 are governed by Article 15 of the Retirement and Social Security Law ("Tier 4").<sup>1</sup> The benefits provided to teachers with a membership date on or after January 1, 2010 are also governed by Article 15 of the Retirement and Social Security Law ("Tier 5"), as originally modified by Chapter 504 of the Laws of 2009. The benefits provided to teachers with a membership date on or after April 1, 2012 are similarly governed by Article 15 of the Retirement and Social Security Law ("Tier 6"), as originally modified by Chapter 18 of the Laws of 2012.

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<sup>1</sup>As a result of the Court of Appeals decision in *Public Employees Federation v. Cuomo*, 62 NY2d 450 (1983) interpreting Article V, Section 7 of the New York Constitution, teachers with a membership date between July 27, 1976 and August 31, 1983 may elect to retire under Article 14 of the Retirement and Social Security Law ("Tier 3") rather than under Article 15. However, it is almost always to the advantage of these teachers to retire under Article 15 rather than Article 14.

For ease of reference, the principal provisions generally governing benefits provided under each of the tiers discussed above are identified in the table below:

	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>	<b>Tiers 4 through 6</b>
Service Credit	EDN 509	RSS 446	RSS 513	RSS 609
Service Retirement	EDN 535	EDN 535	RSS 504	RSS 604
Early Retirement Reductions	EDN 535	EDN 535 <sup>2</sup>	RSS 504	RSS 603(i)
Disability Retirement	EDN 511	EDN 511	RSS 506	RSS 605
Final Average Salary	EDN 501(11)	RSS 443	RSS 512	RSS 608
Options	EDN 513	EDN513 <sup>3</sup>	RSS 514	RSS 610
Death Benefit	EDN 512(b)(5)	RSS 448	RSS 508	RSS 606
Member Contributions	N/A	N/A	RSS 517	RSS 613

Because a member’s date of membership is critical to a member’s benefit entitlements, Section 645 of the Retirement and Social Security Law allows members to establish as their date of membership in the System the beginning date of a previous terminated membership in any public employee retirement system of the state.

As a result of the enactment of Section 532-a of the Education Law in 2000, retirees who are (a) retired for service for at least 5 years and age 62 or older, (b) retired for service for at least 10 years and are age 55 or older, or (c) retired for disability for at least 5 years without regard to age are eligible to receive annual cost-of-living adjustments (COLA). COLAs are payable beginning September 30th of each year or as soon thereafter as a retiree becomes eligible. They are based on the first \$18,000 of the retiree’s maximum retirement benefit, including any supplementation and prior adjustments. COLAs are payable only during the retiree’s lifetime; however, if the retiree’s spouse, and only a spouse where a contract of marriage has been issued, is the beneficiary of a survivor annuity option payable over the life of the spouse, the spouse will receive one-half of the COLAs to which the retiree would have been entitled, had the retiree not died.

Pursuant to Section 524 of the Education Law, System benefits, when paid, are exempt from New York state income and municipal tax. Benefits may not be subject to garnishment, execution or other form of legal process and may not be assigned.

## Rules and Regulations

The System has promulgated rules and regulations implementing various provisions of law applicable to the System. They may be found in 21 New York Codes, Rules and Regulations Parts 5000 and following. A copy is also available on the System’s website at NYSTRS.org, in the Library under our Legal publications.

## Benefits Legislation

The following legislation may be of general interest:

- **Reinstatement of the Transfer of Reserves**—Chapter 717 of the Laws of 2023 amends various provisions of law to require the transfer of employer pension reserves between certain retirement systems as a required step in completing a transfer of membership between New York state public retirement systems for members with 10 or more years of credited service. This act takes effect immediately and applies to any covered membership transfer initiated on or after the effective date of this act, December 8, 2023.

<sup>2</sup>As modified by RSSL 442.

<sup>3</sup>As modified by RSSL 447.

- **Earning In Retirement**—Chapter 55 of the Laws of 2003 (Part V) is a one-year extension of Chapter 56 of the Laws of 2022 (Part HH). The provisions amended Section 211 of the Retirement and Social Security Law to waive the §211 and 212 limitations allowing a NYSTRS retiree to be employed and earn compensation in a position at a school district or board of cooperative educational services (BOCES) without suspension or diminution of their retirement allowance.
- **Tier 5 and 6 Vesting**—Chapter 56 of the Laws of 2022 (Part TT) amends Retirement and Social Security Law to reduce the number of years of credited service for vesting from 10 years to 5 years.
- **Employee Contribution Rate for Tier 6 members**—Chapter 56 of the Laws of 2022 (Part SS) amends Retirement and Social Security Law to permit the employee contribution rate to be calculated using a member’s annual base wages for contributions made during fiscal years ending June 30, 2023 and June 30, 2024 (Part SS).
- **Earnings in Retirement from April 9, 2022 to June 30, 2023**—Chapter 56 of the Laws of 2022 (Part HH) amends Retirement and Social Security Law to allow a NYSTRS retiree to be employed and earn compensation in a position at a school district or board of cooperative educational services (BOCES) without suspension or diminution of their retirement allowance.
- **Electronic Notarization**—Chapter 104 of the Laws of 2022 amends Executive Law to establish electronic notarization through the use of communication technology and requires all in-person and electronic notaries to keep a journal of all notarial services performed.
- **COVID-19 Paid Leave**—Chapter 234 of the Laws of 2022 extends provisions of Chapter 77 of the Laws of 2021 amending the Civil Service Law and the Labor Law to grant public employees up to 4 hours of paid leave per each COVID-19 vaccination injection, until December 31, 2023.
- **Blood Donation Paid Leave**—Chapter 530 of the Laws of 2022 amends Civil Service Law and Labor Law to grant public employees up to 4 hours of paid leave to donate blood.
- **Military Service Credit**—Chapter 585 of the Laws of 2022 amends Retirement and Social Security Law to allow veterans with “qualifying conditions” which includes PTSD, traumatic brain injury, military sexual trauma and discharged LGBT veterans to receive credit for military service.
- **Ordinary Death Benefit**—Chapter 720 of the Laws of 2022 amends Retirement and Social Security Law to change the age at which reductions to the ordinary death benefit commence for active members.
- **Basket Clause**—Chapter 775 of the Laws of 2022 amends Retirement and Social Security Law Section 177 to increase the percentage of System assets that may be invested under the “basket clause” from 25% to 35%.
- **COVID-19 Accidental Death Benefit**—Chapter 89 of the Laws of 2020, Chapter 78 of the Laws of 2021 and Chapter 783 of the Laws of 2022 amends the Retirement and Social Security Law to establish a COVID-19 accidental death benefit for statutory beneficiaries of active public employees who worked on or after March 1, 2020, contracted COVID-19 within 45 days of reporting to work and died on or before December 31, 2024.
- **Power of Attorney Form**—Chapter 323 of the Laws of 2020 and Chapter 84 of the Laws of 2021 amends various provisions of the General Obligations Law Article 5, Title 15, relating to both the content and the execution of a statutory short form power of attorney. Changes to the form became effective June 13, 2021.
- **Alternate Mailing Methods**—Chapter 329 of the Laws of 2021 amends the Education Law to allow NYSTRS to accept alternate methods of postal mail for submittal of time sensitive forms and applications on the day they are mailed either though registered or certified mail through the United States Postal Service or such other equivalent postal mail service that provides a written confirmation and tracking with the date of mailing.
- **Tier 6 Loan Cap**—Chapter 370 of the Laws of 2021 amends the Retirement and Social Security Law to limit the maximum amount Tier 6 members joining NYSTRS on or after July 1, 2022 may borrow to 50% of the member’s total contributions or \$50,000, whichever is less, and makes technical corrections to Sections 613-b and Section 1207 related thereto.

- **10% Death Benefit in Third Year of Retirement**—Chapter 376 of the Laws of 2021 amends the Retirement and Social Security Law to remove the age 60 qualifier and affords the 10% death benefit to NYSTRS members in the third and subsequent years following retirement.
- **Minimum Retirement Allowance**—Chapter 541 of the Laws of 2021 amends the Education Law to increase the minimum retirement allowance to \$550 per year of New York service up to a 35-year maximum or \$19,250 for NYSTRS retired members who retired prior to July 1, 1980.
- **Contribution Reserve Fund**—Chapter 59 of the Laws of 2019 (Part YYY, §§ 52-g through 52-k) amends the General Municipal Law to allow certain eligible NYSTRS participating employers (school districts and BOCES) to establish a retirement contribution reserve fund for the purposes of the New York State Teachers’ Retirement System.
- **World Trade Center**—Chapter 252 of the Laws of 2019 provides Tier 3 and 4 active public employees of the New York State and Local Employees’ Retirement System and the New York State Teachers’ Retirement System to receive a performance of duty disability retirement benefit equal to 75% of final average salary (instead of an accidental disability retirement benefit) if such member participated in the World Trade Center rescue, recovery or cleanup and the condition was incurred in the performance of duty.
- **Earnings After Retirement**—Chapter 589 of the Laws of 2019 increases the annual amount of money a retiree of a public retirement system may earn in a public service position to \$35,000.
- **Military Service**—Chapter 41 of the Laws of 2016 amends Section 1000 of the Military Law by removing existing requirements for military service to be performed during specified periods of war and certain hostilities.

Information on current and recent legislation affecting System benefits is available on the System’s website at NYSTRS.org or by contacting the System’s Legal Department.

## Other Laws

As noted at the outset, this Appendix and Unconsolidated Laws represent a compilation of the principal statutes governing the System. It does not and is not intended to encompass all laws which might affect the System. Please contact the System’s Legal Department staff with any questions at (518) 447-2900, Ext. 6200 or (800) 348-7298, Ext. 6200.

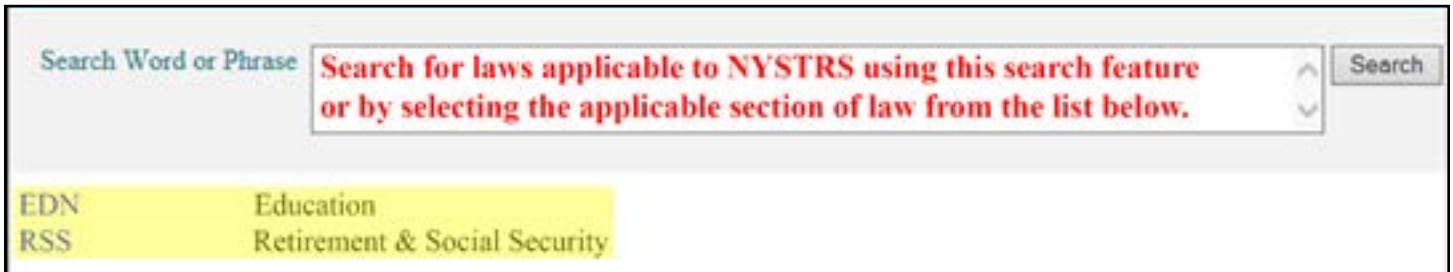
## Further Information

The laws referenced in the Appendix may be accessed through the New York State Legislative Retrieval System website.

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Search Word or Phrase **Search for laws applicable to NYSTRS using this search feature or by selecting the applicable section of law from the list below.** Search

EDN	Education
RSS	Retirement & Social Security

# APPENDIX

## Article 11 of the Education Law (Tier 1)

### Section

- 501. Definitions
- 502. Retirement system
- 503. Membership of system
- 504. Retirement board; members; terms of office; vacancies
- 505. Election of the active teacher members of the board
- 505-a. Election of retired teacher member of board
- 506. Board meetings; oaths of office; quorum; expenses
- 507. Officers of board; custody of funds
- 508. Investment of funds; interest; accounts; reports
- 508-a. New York State teachers' retirement system MWBE asset management and financial institution strategy
- 509. Statements of teachers service; determination of service creditable; service certificates
- 509-a. COVID-19 benefit
- 510. Superannuation retirement
- 511. Disability retirement
- 511-a. Special service retirement
- 512. Withdrawal and death benefits
- 512-a. Deferred retirement
- 512-b. Loans
- 513. Optional allowances
- 515. Funds enumerated
- 516. Annuity savings fund; contributions and payments
- 517. Annuity reserve fund; pension accumulation fund
- 518. Pension reserve fund
- 518-a. Supplemental retirement allowance fund
- 519. Expense fund
- 520. Duties of employer
- 521. Collection of contributions
- 522. Transfer of contributions between retirement systems
- 523. State supervision
- 524. Exemption from taxation and execution
- 525. Protection against fraud
- 527. Special annuity payment
- 528. Pensions-providing-for-increased-take-home-pay
- 529. Pensions providing for increased take home pay for certain teachers
- 530. Pensions-providing-for-increased-take-home-pay-for-teachers
- 531. Abandonment of unclaimed contributions or other benefits; transfer to the pension accumulation fund
- 532. Supplemental retirement allowance
- 532-a. Cost-of-living adjustment
- 533. Non-contributory retirement plan
- 535. Career retirement plan
- 536. Deductions from benefits of certain retired members
- 537. Lump sum payment of de minimis service retirement benefit
- 538. Excess benefit plan
- 539. Certain actions by retiring members

## APPENDIX

### Article 11 of the Retirement and Social Security Law (Tier 2)

#### Section

- 440. Application
- 441. Eligibility for retirement
- 442. Minimum age for retirement
- 443. Final average salary
- 444. Maximum retirement benefits
- 445. Service retirement benefit
- 446. Credit for service
- 447. Options
- 448. Death benefits
- 448-a. Death benefit for vested members who die prior to retirement
- 450. Definitions
- 451. Duration

### Article 14 of the Retirement and Social Security Law (Tier 3)

#### Section

- 500. Application
- 501. Definitions
- 502. Eligibility for service retirement benefits; minimum service requirements
- 503. Eligibility for normal and early service retirement benefits;  
age and service requirements
- 504. Service retirement benefits; general members
- 504-c. Supplemental retirement allowance
- 505. Service retirement benefits; police/fire members, New York city  
uniformed correction/sanitation revised plan members and  
investigator revised plan members
- 506. Ordinary disability benefits
- 507. Accidental disability benefits
- 508. Death benefits
- 508-a. Death benefit for vested members who die prior to retirement
- 509. Accidental death benefits
- 509-a. COVID-19 benefit
- 510. Escalation of benefits
- 511. Coordination with social security benefits
- 512. Final average salary
- 513. Credit for service
- 514. Options
- 515. Optional retirement program
- 516. Vesting
- 517. Member contributions
- 517-a. Termination of membership
- 517-b. Loans to members of a teachers retirement system
- 518. Election of coverage under article
- 519. Effect of other laws
- 520. Duration



## APPENDIX

### Article 15 of the Retirement and Social Security Law (Tiers 4, 5 and 6)

#### Section

- 600. Application
- 601. Definitions
- 602. Eligibility for service retirement benefits; minimum service requirements
- 603. Eligibility for service retirement benefits; age and service requirements
- 604. Service retirement benefits
- 605. Disability retirement
- 606. Death benefits
- 606-a. Death benefit for vested members who die prior to retirement
- 607. Accidental death benefits
- 607-i. COVID-19 benefit
- 608. Final average salary
- 609. Credit for service
- 610. Options
- 611. Optional retirement program
- 612. Vesting
- 613. Member contributions
- 613-a. Loans to members of a teachers retirement system
- 614. Effect of other laws
- 615. Duration
- 617. Recalculation of benefits

### Article 15-A of the Retirement and Social Security Law (Benefit Limitations; Federal Internal Revenue Code)

#### Section

- 620. Benefit limitations

### Article 15-B of the Retirement and Social Security Law (Compensation Limitations; Federal Internal Revenue Code)

#### Section

- 630. Compensation limitations

### Article 15-D of the Retirement and Social Security Law (Benefits for Certain Members Who Re-Enter Public Service)

#### Section

- 645. Benefits for certain members who re-enter public service

### Article 18 of the Retirement and Social Security Law (Provisions Generally Applicable to Public Retirement Systems)

#### Section

- 800. Definitions
- 801. Transfer rights

## APPENDIX

### Section

- 802. Credit for previously credited service
- 803. Retroactive membership
- 804. Promulgation of rules and regulations
- 805. Records
- 806. Exclusion
- 807. Alternate means of authentication

### Article 19 of the Retirement and Social Security Law (Benefit Enhancements)

### Section

- 900. Definitions
- 901. Election of benefit enhancements
- 902. Benefit enhancements

### Article 20 of the Retirement and Social Security Law (Credit for Military Service Rendered During Periods of Military Conflict)

### Section

- 1000. Military Service Credit

### Article 24 of the Retirement and Social Security Law (Benefit Enhancements)

### Section

- 1310. Definitions
- 1311. Election of benefit enhancements
- 1312. Benefit enhancements
- 1313. Additional member contributions
- 1314. Election not collectively bargained

## Miscellaneous Provisions of Laws Affecting New York State Teachers' Retirement System

### Civil Practice Law & Rules

### Section

- 1012(c). Notice to comptroller of the state of New York where public retirement benefits are in issue

### Education Law

### Section

- 390. Definitions
- 392. Rates of Contribution
- 2510. Abolition of office or position
- 2554. Powers and duties of board of education
- 2854. Charter schools and retirement benefits
- 3109. Reduction of salaries for purchase of annuities

## APPENDIX

## Civil Service Law

### Section

- 150. Suspension of pension and annuity during public employment
- 159-b. Excused leave to undertake a screening for cancer
- 159-c. Leave time for COVID-19 vaccination (repealed 12/31/23)
- 159-d. Excused leave to donate blood

## Executive Law

### Section

- 101-a. Legislative notification of the proposed adoption, amendment, suspension or repeal of agency rules
- 135-c. Electronic notarization
- 296. Unlawful discriminatory practices (see this section for compulsory retirement)

## Legislative Law

### Section

- 50. Fiscal note in retirement bills

## Military Law

### Section

- 243-d. Non-contributory retirement service credit for members of the New York state and local retirement systems or the New York state teachers' retirement system called to active military duty on or after September eleventh, two thousand one
- 244-a. Credit to members of public retirement systems for military service performed during war

## Retirement & Social Security Law

### Section

- 2. Qualifying World Trade Center Condition
- 25. Appropriations in retirement bills
- 43. Transfer of members between systems
- 61-b. COVID-19 benefit
- 79. Cafeteria plans
- 150-155. Reporting and Disclosure
- 176-179-a. Investments of Public Pension Funds
- 185-186. Public Pension Fund Group Life Insurance
- 210-217. Re-employment in Public Service of Retired Public Employees
- 361-b. COVID-19 benefit
- 423-c. MWBE asset management and financial institution strategy
- 430-432. Payment for Benefit Improvements
- 470-473. Negotiation of Retirement Benefits
- 480. Extension of Temporary Benefits and Supplementation Programs
- 530. Elimination of Mandatory Retirement

## The Constitution of the State of New York

### Article V

#### Officers and Civil Departments

### Section

- 7. **Membership in retirement systems; benefits not to be diminished nor impaired.** After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired.

# UNCONSOLIDATED LAWS

## RETROACTIVE RETIREMENT COVERAGE FOR NEW EMPLOYEES

### Chapter 1046 of the Laws of 1973

§ 68. **Retroactive retirement coverage for new employees.** a. A person who joins or rejoins a retirement system of the state or a municipality thereof on or after the effective date of this act shall be permitted to acquire retirement credit for service rendered between July first, nineteen hundred seventythree and the effective date of this act, if any, in accordance with the appropriate provisions of law, and shall be deemed to have been a member of such system during the entire period of time for which credit is so acquired.

b. In the case of persons who became employed by the state or one of its political subdivisions on or after July first, nineteen hundred seventy-three and prior to the effective date of this act, the period between July first, nineteen hundred seventy-three and the effective date of this act shall not be included in calculating any time limits relating to such person's right to join a retirement system or optional retirement program, or to elect any special retirement benefit provided by such system or program.

c. The employer of a person who on or after the effective date of this act elects to join an optional retirement program shall contribute to the optional retirement program on behalf of such person an amount equal to the amount that it would have contributed had such person elected such program on the last date on which he could have elected such program had he not otherwise have been prevented from doing so by chapter three hundred eighty-three of the laws of nineteen hundred seventy-three.

d. The provisions of this act which extend certain benefits to persons who were denied membership in a retirement system of the state or a municipality thereof by the provisions of chapter three hundred eighty-three of the laws of nineteen hundred seventy-three shall not be construed to be enactment of a new benefit or an improvement in benefits which will result in an increase in costs for the purposes of section four hundred thirty of the retirement and social security law.

## LIMITATIONS ON POST JULY 1, 1973 MEMBERSHIP RIGHTS

### Chapter 383 of the Laws of 1973

§ 4. a. Notwithstanding the provisions of any other law, each and every retirement benefit, of whatever nature, including but not limited to a retirement allowance, pension, annuity, death benefit and disability allowance, which is authorized by statute and available to a member or members of the New York state policemen's and firemen's retirement system, the New York state teachers' retirement system, the New York city employees retirement system, the New York city teachers retirement system, the New York city police pension fund, the New York city fire department pension fund, and the New York city board of education retirement system, or an optional retirement program on whose behalf the state or a political subdivision thereof, thereby are required to contribute on June thirtieth, nineteen hundred seventy-three shall not be applicable to any person or persons who first enter or are deemed to enter the membership of such a retirement system or an optional retirement system after June thirtieth, nineteen hundred seventy-three, and a person who is not a member of such a retirement system on June thirtieth, nineteen hundred seventy-three shall not be covered by or entitled to any such retirement benefit, it being the intent of the legislature that every such retirement benefit shall terminate after June thirtieth, nineteen hundred seventy-three with respect to a person who is not a member of such a retirement system on said date.

b. Notwithstanding the provisions of paragraph a hereof all public employees entering service after June thirtieth, nineteen hundred seventy-three who if they had entered service prior to that date would have been entitled to become members of a public retirement system referred to in paragraph a hereof shall be deemed members of such retirement system only for the purposes of article three of the retirement and social security law and section ten of this act.

c. Each and every retirement benefit, of whatever nature, including but not limited to a retirement allowance, pension, annuity, death benefit and disability allowance, which is authorized by statute and available to a member or members of the New York state policemen's and firemen's retirement system, the New York state teachers retirement system, the New York city employees retirement system, the New York city teachers retirement system, the New York city police pension fund, the New York city fire department pension fund, and the New York city board of education retirement system, on June thirtieth, nineteen hundred seventy-three, shall continue to be applicable to a person who is a member of such a retirement system on June thirtieth, nineteen hundred seventy-three, but only in the form and to the extent thereof as such benefit existed on June thirtieth, nineteen hundred seventy-three, it being the intent of the legislature that there shall be no improvement of such benefit or benefits after June thirtieth, nineteen hundred seventy-three, except that a benefit or benefits of a temporary nature may be extended or continued by the legislature on a temporary or permanent basis, or may be terminated.

## **MEMBERSHIP RIGHTS OF CETA EMPLOYEES**

### **Chapter 769 of the Laws of 1975**

§ 1. As used in this act the term "transitional public employment service" shall mean that period of time spent in public service employment in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, veterans outreach and other fields of human betterment and community improvement as part of a program of comprehensive manpower services authorized, undertaken and financed pursuant to the provisions of the Comprehensive Employment and Training Act of 1973 (Public Law 93-203; 87 Stat. 839.)<sup>4</sup>

§ 2. Except as provided in section three of this act, no person employed in transitional public employment service shall be eligible for membership in a retirement system or pension plan administered by the state or any of its political subdivisions on and after the effective date of this act.

§ 3. Any person employed in such service who was a member of such system or plan prior to such date shall continue to receive credit for service rendered as such member. In addition, any person employed in transitional public employment service who, at the termination of service in such position, renders five years or more of service in another position for which creditable service is granted under such system or plan, may obtain credit, not to exceed four years, for such period of transitional public employment service provided that:

(a) such person makes application to the comptroller or administrative head of his retirement system or plan for credit not later than one year after the completion of such five years of creditable service or, in the case of any such person who, for reasons not ascribable to his own negligence, failed to make such application not later than one year after the completion of such five years of creditable service, by March 31, 1999, whichever is later;<sup>5</sup> and

(b) the comptroller or administrative head of the retirement system or pension plan, for which such person would have been eligible for membership during the period of his transitional public employment service but for the exclusion from such membership provided for in section two of this act, makes a determination that such person is eligible for the service credit provided for in this act and notifies such person and the employer for whom he worked in such service of his determination together with the amount of any contributions which the employee or employers shall be required to make, in accordance with the provisions of paragraph (c) of this section, before such service credit shall be granted; and

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<sup>4</sup>29 U.S.C.A. §801 et seq.

<sup>5</sup>Notwithstanding any other provision of law, all costs attributable to the operation of chapter 769 of the Laws of 1975, as amended by this act, shall be borne by the employer for whom the member rendered transitional public employment service, as such term is defined in section one of such chapter, except that amount to be paid by the employee pursuant to such chapter. [Sec. 2 of ch. 821, L. 1986; amended L. 1998, ch. 291 in effect July 14, 1998.]

(c) upon receipt of such notification, the member and his employer shall make contributions to the appropriate funds of the system or plan in an amount equal to the amount that would have been contributed by both the member and his employer, plus regular interest, had such transitional public employment service been creditable service under such system or plan; and

(d) the deposits provided for in paragraph (c) of this section must be made no later than one year from the date such person makes application for the service credit provided by this act, provided, however, that such employer or employee may elect to deposit such amounts as may be necessary over a period of time no greater than the period for which credit is being claimed. If the full amount of such payments are not made the amount of service credited shall be proportional to the total amount of the payments made.

In the case of a member of a retirement system or pension plan who has the right to withdraw excess contributions from his annuity savings account, such member may request the administrative head of his retirement system to apply such excess contributions toward the payments required pursuant to this section. Such request shall be on forms prepared by such officer.

§ 4. The provisions of this act shall be controlling notwithstanding any provision of law to the contrary.

## **RETIREMENT RIGHTS OF EMPLOYEES SUBJECT TO LAY-OFF**

### **Chapter 890 of the Laws of 1976**

§ 6. Notwithstanding any inconsistent provision of law, until July first, nineteen hundred eighty-six, any person other than a retiree of a public retirement system of the state, who was a member of a public retirement system of the state, or any political subdivision thereof, on September first, nineteen hundred seventy-five, and who, on such date, prior thereto or subsequently thereafter, was separated from his public employment due to the adverse fiscal circumstances of his public employer, shall upon his return to public employment be entitled to every retirement right, benefit and privilege which would have been available to him had he reentered employment on the date of this separation.

## **NEW YORK STATE TEACHERS' RETIREMENT BOARD AND ITS INVESTMENT AUTHORITY**

### **Chapter 35 of the Laws of 1976**

§ 3. Notwithstanding any other provision of law, and in addition to its authority to make investments under any other provision of law, the retirement board of the New York state teachers retirement system may invest assets of such system in (a) bonds of the state of New York and notes issued in anticipation of the sale of such bonds up to an aggregate of ten per centum of the assets of the system, excluding bonds or notes issued to refund outstanding bonds or notes in which it shall have invested, (b) notes of the state of New York issued in anticipation of the receipt of taxes and revenues without limitation as to amount, and (c) bonds and notes of the following types up to an aggregate of ten per centum of the assets of such fund, excluding bonds or notes issued to refund outstanding bonds or notes in which it shall have invested:

(1) state university construction bonds and notes, health facilities bonds and notes, mental hygiene improvement bonds and notes, and hospitals and nursing homes project bonds and notes issued by the New York state housing finance agency;

(2) board of cooperative educational services school facilities bonds and notes, facilities for the New York state department of health bonds and notes, state university of New York dormitory bonds and notes, state university of New York dining halls bonds and notes, community colleges of the city university of New York bonds and notes, senior colleges of the city university of New York bonds and notes, senior colleges of the city university of New York bonds and notes, and locally sponsored community college bonds and notes issued by the dormitory authority;

(3) health facilities bonds and notes and hospital and nursing homes project bonds and notes issued by the New York state medical care facilities finance agency;

(4) general obligation bonds and notes issued by the New York state environmental facilities corporation.

§ 4. If any section, part or provision of this act shall be declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall be limited to the section, part or provision directly involved in the controversy in which such declaration was made and shall not affect any other section, part or provision thereof.

## **RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (1984) (text omitted)**

### **RETIREMENT CREDIT FOR UNION OFFICERS ON LEAVE OF ABSENCE**

#### **Chapter 675 of the Laws of 1984**

§ 1. Notwithstanding any other provisions of law, except in a city having a population of one million or more, an employer as defined in subdivision three of section five hundred one of the education law may grant a leave of absence with full salary to a member of the New York state teachers retirement system who is employed as a full-time teacher as defined in subdivision four of section five hundred one of the education law from his or her regular position, for the purpose of serving as an elective officer of the local employee organization certified or recognized pursuant to article fourteen of the civil service law as the collective negotiating agent of an employee negotiating unit or its statewide affiliate, provided that:

a. the local employee organization or its statewide affiliate requests that a leave of absence be granted with full salary for such purpose;

b. each such leave, its terms and renewal shall be subject to an agreement pursuant to article fourteen of the civil service law;

c. such local employee organization or its statewide affiliate shall periodically, as specified by the public employer, reimburse the public employer for the salary or wages paid to such employee during such leave of absence together with the full cost of fringe benefits including retirement credit with the New York state teachers retirement system; and

d. The salary paid shall be the salary the employee would have earned and received had the employee remained in service in the position which the employee held as a full time employee at the time the employee was first elected as an elective officer, prior to the granting of the leave of absence based on the salary schedule in effect for the negotiating unit during each year of the leave of absence.

## **PRESERVATION OF CONSTITUTIONAL AND CONTRACTUAL AUTHORITY OF RETIREMENT BOARD TO DETERMINE EMPLOYER CONTRIBUTIONS**

#### **Chapter 175 of the Laws of 1990**

§ 2. Nothing contained in this act shall in any way impair or limit the constitutional, statutory or contractual authority of the retirement board to determine the amount of contributions required to fund the liabilities of the retirement system including any and all actuarial or other assumptions pertaining thereto, and to collect such contributions. The obligation to pay such contributions as determined by the retirement board shall constitute a contract and the rights of the New York state teachers' retirement system thereunder shall not be impaired in any way whatsoever.

## **RETIREMENT INCENTIVE AND PHASED RETIREMENT PROGRAM FOR CERTAIN EMPLOYEES OF THE STATE OF NEW YORK (1990) (text omitted)**

**ADDITIONAL PENSION BENEFITS FOR AN EXTENDED SECOND PUBLIC EMPLOYMENT  
AFTER RETIREMENT FROM A PLAN ALLOWING RETIREMENT AFTER 20 OR 25 YEARS  
REGARDLESS OF AGE**

**Chapter 666 of the Laws of 1990**

§ 3. a. Notwithstanding any other provision of law to the contrary, any service retiree from a public retirement system who

(1) had retired under a plan which permitted immediate retirement upon completion of a specified period of service of twenty-five years or less without regard to age who subsequent to his retirement;

(2) had returned to public service and has thereafter been continuously employed in a position or positions of public service and is so employed as of the effective date of this act;

(3) has been so employed either (i) without suspension or diminution of his retirement allowance pursuant to section 211 or 212 of the retirement and social security law, or (ii) with his pension having been, in fact, suspended pursuant to section 150 of the civil service law; and

(4) by reason of such position or positions would have otherwise been entitled to become (in the case of subparagraph (i) of paragraph 3 of this subdivision) or has been (in the case of subparagraph (ii) of paragraph 3 of this subdivision) a member of another public retirement system, shall be entitled to elect to be deemed retroactively to have transferred his membership in the system maintaining such plan to such second retirement system pursuant to section 43 of the retirement and social security law as of the date immediately prior to the date of his retirement; provided he consents to the suspension of his retirement allowance, if not already suspended; and provided further that upon retirement from such second system, his retirement allowance shall be reduced by (i) the actuarial equivalent of the retirement allowance received by such retiree prior to his election pursuant to this section, and (ii) the actuarial equivalent of any member contributions such retiree would have been required to pay, had he become a member of such other system as of the first date of his eligibility for membership but for the operation of section 213 of the retirement and social security law unless such retiree shall pay in such contributions with regular interest pursuant to a schedule established by such second system pursuant to regulation.

b. In order to effect such retroactive transfer pursuant to this section, the retiree must give notice to the administrative head of the retirement system from which he is a retiree within 1 year of the effective date of this act; upon receipt of such notice, the retirement allowance of the retiree shall be suspended and the reserve on such retiree's allowance shall thereafter be computed and transferred to such second retirement system; such second retirement system shall be entitled to recover from the employer or employers of such retiree any contributions with interest such employer or employers would have made had the retiree been a member of such second retirement system during such employment or employments but less such actuarial reduction, if any, as such other system may provide by regulation to be appropriate to reflect the actuarial reduction for payment of the retiree's allowance during such employment or employments.

c. Notwithstanding any other provision of law, in the event an eligible person elects to exercise the rights granted pursuant to this section but dies prior to retirement from such second system, the death benefit to be paid shall be the greater in value of (i) the death benefit payable under the rules of such second system, or (ii) a survivor benefit, if any, which would have been paid according to the option selection made by such person at the time of such person's prior retirement and in the amount which would have been paid if such person had died immediately prior to the date on which he gave notice of his election under this section. Notwithstanding the foregoing, if such person designated a different beneficiary for death benefit (i) than for death benefit (ii), then only the death benefit provided in subparagraph (i) of this paragraph shall be paid.

d. Notwithstanding the provisions of subdivision b of this section or any other provision of law to the contrary, with respect to transfers pursuant to this section which occur on or after the effective date of this subdivision, no determination or transfer of the reserve on the benefits allowable to the transferring member as the result of employer contributions, including the reserve-for-increased-take-home-pay, shall be required.



**RETIREMENT INCENTIVE PROGRAM FOR CERTAIN EMPLOYEES  
OF THE STATE OF NEW YORK (1990) (text omitted)**

**A RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (1991) (text omitted)**

**PRIOR SERVICE CREDIT FOR CERTAIN MEMBERS OF THE  
NEW YORK STATE TEACHERS' RETIREMENT SYSTEM  
Chapter 422 of the Laws of 1991**

§ 1. Notwithstanding the provisions of subdivision b of section 446, subdivision b of section 513, or paragraph 1 of subdivision b of section 609 of the retirement and social security law, a member of the New York state teachers' retirement system on the effective date of this act who last joined the New York state teachers' retirement system on or after July 1, 1973, shall be eligible for credit for service as a teacher as defined in subdivision 4 of section 501 of the education law rendered prior to January 1, 1986, and prior to the date he last became a member of the New York state teachers' retirement system in accordance with the provisions of section 509 of the education law, provided the member is credited with 5 years of service credit at the time such prior service credit is granted and a claim for such service credit is filed with the system within 7 years of the effective date of this act. Payments for such service must be made for those subject to article 14 of the retirement and social security law in accordance with section 517 of such law and for those subject to article 15 of such law in accordance with section 613 and paragraph 2 of subdivision b of section 609 of such law.

**THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY  
OF NEW YORK RETIREMENT INCENTIVE ACT OF 1992 (text omitted)**

**A RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (1992) (text omitted)**

**A RETIREMENT INCENTIVE FOR THE CITY OF BUFFALO (1994) (text omitted)**

**A RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (1995) (text omitted)**

**A RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (1996) (text omitted)**

**A RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES;  
AND TO AMEND THE CIVIL SERVICE LAW AND CHAPTER 29 OF THE LAWS OF 1996  
AMENDING THE CIVIL SERVICE LAW RELATING TO VOLUNTARY TRANSFER OF  
STATE PERSONNEL, IN RELATION THERETO (1997, 1998, 1999 AND 2000) (text omitted)**

**PROVIDING A LUMP SUM PAYMENT IN LIEU OF FUTURE PAYMENTS TO  
SERVICE RETIREES OF THE NEW YORK STATE TEACHERS' RETIREMENT  
SYSTEM RECEIVING LESS THAN ONE THOUSAND DOLLARS PER ANNUM**

**Chapter 369 of the Laws of 1997**

§ 1. Any law to the contrary notwithstanding, any member of the New York state teachers' retirement system who has retired for service and has not elected any optional allowance in lieu of the maximum possible retirement allowance and whose retirement allowance, together with any then applicable supplemental retirement allowance, is at the time of election less than one thousand dollars per annum, may elect to receive, in lieu of any further payments upon such allowance, a lump payment which has been certified by the actuary of the system to be of actuarial equivalent value to the remaining payments (including any then applicable supplemental retirement allowance) due such retired member and approved by the retirement board of the system. Such lump sum shall be calculated using the interest rate on thirty year United States treasury bonds as of January first of the calendar year in which the payment is made. Upon payment of such lump sum, any and all obligations of the retirement system to such member shall be totally discharged. Provided, however, such election must be made on a form prescribed by the system and filed with the system no later than December 31, 1997.

**THE GRANTING OF RETIREMENT SYSTEM DEATH BENEFITS**

**Chapter 394 of the Laws of 1999**

§ 1. Notwithstanding any contrary provision of law, the surviving beneficiaries of any member of the New York state teachers' retirement system whose qualifying application for disability retirement was received by such system on or after June 1, 1987 but no later than October 24, 1995, may elect to receive the difference between the amount of a qualifying survivor benefit which would have been payable, had such retirement become effective prior to the death of such member, and the amount of any death benefit, if any, paid by such system upon the death of such member.

For the purposes of this section, a "qualifying application for disability retirement" shall be any application for disability retirement which was duly executed by a member prior to death and which (1) was filed with such system prior to the member's death but did not become effective by reason of the member's death, or (2) was received by such system within seven days after such member's death; a "qualifying survivor benefit" shall be the Option 1 or the Option 4 pursuant to section 513 of the education law, provided such optional allowance was duly elected by such member prior to death and provided, in the case of Option 4, the optional allowance elected by the member provided only for the payment of a lump sum upon such member's death; and a "surviving beneficiary" shall be an individual who was the beneficiary of the qualifying survivor benefit duly designated by the member prior to death, provided such individual is living on the effective date of this act.

**A TEMPORARY RETIREMENT INCENTIVE FOR CERTAIN  
PUBLIC EMPLOYEES; AND TO PROVIDE AN AGE 55/25 TEMPORARY  
INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (2002) (text omitted)**

**CREDIT FOR CERTAIN SERVICE AS A TEACHER WITHIN THE  
NEW YORK CITY PUBLIC SCHOOLS  
Chapter 352 of the Laws of 2002**

§ 1. Notwithstanding any other law, a member of the New York state teachers' retirement system shall be eligible for retirement credit for teaching service within the city of New York which (i) was rendered prior to the first day of July, nineteen hundred ninety and during which employment the member was ineligible to join the New York city teachers' retirement system or the New York city board of education retirement system and (ii) otherwise would have been creditable pursuant to subdivision two of section five hundred nine of the education law, subdivision b of section four hundred forty-six of the retirement and social security law, subdivision b of section five hundred thirteen of the retirement and social security law, or subdivision b of section six hundred nine of the retirement and social security law, as applicable, but for the fact that such service was rendered during, and not prior to, such member's membership in the New York state teachers' retirement system, provided (a) such member has rendered at least two years of service credited with the New York state teachers' retirement system at the time such service is credited, and (b), in the case of such member subject to the provisions of article fourteen or fifteen of the retirement and social security law, the member contributes three percent of the wages earned for such service together with interest at the rate of five percent per annum compound annually from the date of such service until payment is made.

**HEALTH INSURANCE BENEFITS AND CONTRIBUTIONS OF RETIRED EMPLOYEES  
OF SCHOOL DISTRICTS AND CERTAIN BOARDS (MADE PERMANENT 2010)  
Chapter 729 of the Laws of 1994**

§ 1. From on and after June 30, 1994, a school district, board of cooperative educational services, vocational education and extension board or a school district as enumerated in section 1 of chapter 566 of the laws of 1967, as amended, shall be prohibited from diminishing the health insurance benefits provided to retirees and their dependents or the contributions such board or district makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such district or board unless a corresponding diminution of benefits or contributions is effected from the present level during this period by such district or board from the corresponding group of active employees for such retirees.

**A 55/25 RETIREMENT INCENTIVE FOR EDUCATORS REPRESENTED BY NYSUT (2010)  
(text omitted)**

**A TEMPORARY RETIREMENT INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES AND  
AN AGE 55/25 TEMPORARY INCENTIVE FOR CERTAIN PUBLIC EMPLOYEES (2010)  
(text omitted)**