

Emergency Medical Technician 25-Year Retirement Plan For Tier 4 Members (EMT-25)

Tier 4



NYC EMPLOYEES'
RETIREMENT SYSTEM

May 2023

This brochure describes the benefits of the Emergency Medical Technician 25-Year Plan (EMT-25 Plan). The EMT-25 Plan is available **ONLY** to EMT Members.

An EMT Member is a NYCERS member employed by the City of New York or the New York City Health and Hospitals Corporation in a title whose duties are those of an EMT, Advanced Emergency Medical Technician (AEMT), or a supervisor of those employees.

PARTICIPATION

Participation in the EMT-25 Plan may be **optional or mandatory**.

Anyone who was a Tier 4 EMT Member on December 8, 2000 had the option to become a participant in the EMT-25 Plan by filing an election form no later than June 6, 2001. **This option has expired.**

Anyone who was a Tier 4 member on December 8, 2000, who subsequently becomes employed as an EMT Member after December 8, 2000, has an option to join the EMT-25 Plan. To participate in this plan, the member must have filed an Election Form (#170) within 180 days of becoming employed as an EMT Member.

ONCE AN ELECTION TO PARTICIPATE IN THE EMT-25 PLAN IS FILED WITH NYCERS, IT MAY NOT BE REVOKED.

Any EMT employee who becomes a Tier 4 NYCERS member after December 8, 2000 is mandated to participate in the EMT-25 Plan. However, if they are older than age 25, they have an option to opt out of the EMT-25 Plan. These participants will be sent Opt-Out Form #176. To opt out of the EMT-25 Plan, the member must file Form #176 within 180 days of becoming employed in an EMT-25 title.

ONCE AN ELECTION TO OPT OUT OF THE EMT-25 PLAN IS FILED WITH NYCERS, IT MAY NOT BE REVOKED.

Participants who cease to be employed as an EMT Member will no longer be able to participate in the EMT-25 Plan. However, if they become an EMT Member at a later date, they will be required to resume participation in the EMT-25 Plan.

Members who choose not to participate or who discontinue service in the EMT-25 Plan are eligible to participate in NYCERS Basic Tier 4 (62/5) plan, or 57/5 or 55/25 plan, depending on membership date.

CONTRIBUTIONS

Tier 4 participants are required to contribute 3% of their pensionable gross wages until they attain 10 years of Credited Service or reach

the tenth anniversary of their membership date – whichever is earlier. These contributions are referred to as Basic Member Contributions (BMCs) and are held in the Member Contribution Accumulation Fund (MCAF).

As a member of the EMT-25 Plan, participants are also required to contribute Additional Member Contributions (AMCs) of 6.25% of their pensionable gross wages. Payment of AMCs is required until a participant attains 30 years of Allowable Service or until retirement, whichever occurs first.

AMCs are maintained in the Retirement Reserve Fund (RRF), which is an account maintained separately from the MCAF account. Both funds earn interest at a rate of 5% compounded annually.

All contributions are Federal tax deferred, meaning that a member does not pay Federal taxes on the contributions, only New York State and local taxes. Contributions made while on Union leave are **not** Federal tax deferred.

Please note: If participants were previously enrolled in another special plan, AMCs may still be required under the previous plan(s).

DEFICITS

Failure to pay any of the required BMCs or AMCs will result in a deficit in either the Member Contribution Accumulation Fund (BMCs) or the Retirement Reserve Fund (AMCs). If the deficit is identified prior to retirement, NYCERS will certify payroll deductions (where applicable) and notify the member so they can resolve the deficit.

If there is a deficit at retirement, NYCERS will notify the member of the choice to either pay the deficit in full or apply an actuarial reduction (a lifetime reduction to your pension based on your deficit amount) to resolve the deficit. Unpaid deficits may also impact disability and death benefits.

Participants who cease to be employed as an EMT Member and withdraw their AMCs (and accrued interest), and later become a participant again, will be required to repay the AMCs refunded to them, including 5% per-annum statutory interest.

LOANS

EMT-25 Plan participants may borrow up to 75% of the BMCs held in the MCAF account and up to 75% of the AMCs held in the RRF account. Any loans taken are subject to the terms and conditions applicable to Tier 4 members. Please consult the Tier 4 62/5 Summary Plan Description (SPD) or Loans Brochure #911 for additional information.



ALLOWABLE SERVICE

Participants in the EMT-25 Plan may retire with 25 years of Allowable Service. Allowable Service for the EMT-25 Plan is service rendered while employed as an EMT Member, as well as service rendered in the title of Motor Vehicle Operator employed by the City of New York or the New York City Health & Hospitals Corporation.

Allowable Service in the EMT-25 Plan also includes certain Military Service and Union Leave Service.

Allowable Service does not include other public service rendered in New York State or New York City such as clerical service.

Only Allowable Service can be used to qualify for Service retirement from the EMT-25 Plan.

REFUNDS

Plan participants who have rendered less than 10 years of Credited Service and who leave City service may apply for a refund of BMCs, plus accrued interest, effectively terminating their membership. Members with between 5 and 10 years of Credited Service must also waive their right to a Vested Retirement Benefit. Refunds of BMCs are not possible for members with 10 or more years of Credited Service, except in cases of a participant's death.

Participants who cease to hold an EMT covered title for any reason whatsoever, and who have rendered less than 15 years of Allowable Service, have the option of withdrawing their AMCs, plus accrued interest. AMCs may also be withdrawn if a participant with less than 15 years of Allowable Service in an EMT title changes titles to a non-EMT covered title and remains in City service. In this case, after receiving the refund of AMCs the participant will no longer be entitled to a benefit under the EMT-25 Plan, but will be entitled to a benefit from their underlying Tier 4 Plan (assuming service requirements have been met). Refunds of AMCs are not possible for participants with 15 or more years of Allowable Service in an EMT title.

A participant who ceases to be employed in an EMT title and withdraws their AMCs (and earned interest), and later becomes a participant again, will be charged with a deficit (including 5% per-annum statutory interest) calculated as if such AMCs had never been made. Payment of a deficit can be made in a lump-sum or through payroll deductions.

VESTED SERVICE RETIREMENT

If a participant leaves City service with at least five, but less than 25 years of Allowable Service, and their contributions have not been returned to them, they are entitled to a Vested Retirement Benefit. This benefit becomes payable on the date the participant would have completed 25 years of Allowable Service. The Vested

Retirement Benefit is calculated using the following formula:

$2\% \text{ times Final Average Salary (FAS) times years of Allowable Service}$

Final Average Salary is defined as the greater of:

The average of wages earned during any three consecutive calendar years

OR

The average of wages earned during the 36 months immediately preceding your retirement date.

NOTE: Wages earned in any year used in the FAS computation cannot exceed more than 10% of the average of the previous two years.

If you leave City service with less than five years of Allowable Service but your total Credited Service is five years or more, your vested benefit will be governed by your underlying plan.

NYCERS encourages members who separate from City service to file a Notice of Intent to Vest (Form #254). By doing so, NYCERS can send you important information regarding your retirement account. For example, you will receive an Annual Disclosure Statement, detailing your account balances and designated beneficiaries. Additionally, NYCERS will send you an Application for Payment of a Vested Retirement Benefit (Form #266) approximately 90 days prior to the date you are eligible to receive a vested benefit (Payability Date).

SERVICE RETIREMENT BENEFIT

Participants in the EMT-25 Plan are eligible to receive a Service Retirement Benefit upon attaining 25 years of Allowable Service, regardless of age. The Service Retirement Benefit is calculated using the following formula:

50% of Final Average Salary (FAS) for the first 25 years of Allowable Service, **plus**

2% of FAS for each additional year of Allowable Service, up to a maximum of 30 years of Allowable Service.

You must file a service retirement application at least 30, but no more than 90, days before your effective retirement date, and you must be a participant of the EMT-25 Plan on the day before your effective retirement date.

UNDERLYING PLANS

Retirement from Underlying 62/5 Plan:

Participants in the EMT-25 Plan, including vested members who have left City Service, who became employed in an eligible position before June 28, 1995, and who do not meet the EMT-25 Plan's requirement of 25 or more years of Allowable Service may



retire from the Basic 62/5 Plan, assuming service requirements have been met for the underlying plan. All requirements and benefits of the Basic 62/5 Plan will apply, including the ability to retire prior to age 62 with a benefit reduction (except in the case of vested members).

Retirement from Underlying 57/5 Plan:

Participants, including vested members, in the EMT-25 Plan who became employed in an eligible position after June 28, 1995 and before April 1, 2012 may retire from the 57/5 Plan **whether or not** the EMT-25 Plan's requirement of 25 or more years of Allowable Service is met. All requirements and benefits of the 57/5 Plan will apply.

THREE-QUARTERS PERFORMANCE-OF-DUTY DISABILITY RETIREMENT (RSSL §607-b)

EMT Members who become mentally or physically incapacitated as a natural and proximate result of an injury sustained in the performance of duty on or after March 17, 1996 shall be entitled to a disability benefit equal to three-quarters of Final Average Salary, minus 100% of Workers' Compensation benefits associated with the injury. Participants must be an EMT member at the time they file their application in order to file an application for this type of disability retirement.

THE HEART LAW (207q)

The Heart Law provides a presumption that a disease of the heart was incurred in the performance of duty. EMT Members who are approved for disability under the Heart Law are entitled to a disability benefit equal to 75% of Final Average Salary, minus 100% of the annual payment from the Workers' Compensation Board associated with the disease of the heart. This presumption may be rebutted by competent medical evidence.

EMT Members who die from a disease of the heart will be entitled to a presumption that the disease was incurred in the performance of duty. If approved, members' Eligible Beneficiaries would be entitled to the Accidental Death Benefit and Special Accidental Death Benefit which are paid in accordance with the relevant statute(s) that govern these benefits (see section in right column).

HEPATITIS, AIDS AND TUBERCULOSIS LAW (HAT) LAW (607b)

If an EMT member contracts HIV, tuberculosis or hepatitis, it will be presumed that the disease was contracted in the performance and discharge of duty. EMT Members approved for disability under this law are entitled to a disability benefit equal to 75% of Final Average Salary, minus 100% of the annual payment from the Workers' Compensation Board associated with the disease. The presumption may be rebutted by competent medical evidence.

WORLD TRADE CENTER DISABILITY LAW (607b)

The World Trade Center (WTC) Disability Law provides that NYCERS members, vested members or retirees (retired after 9/11/01) who Participated in WTC Rescue, Recovery, or Clean-up Operations during a Qualifying Period may be entitled to a presumption that any current or future disability caused by a Qualifying Condition or Impairment of Health arose from participation in such operations, unless the contrary is proven. A Notice of Participation must have been filed no later than September 11, 2026. For more information, including death benefits for members or retirees who die from a WTC Qualifying Condition or Impairment of Health, visit NYCERS' website at www.nycers.org and review the WTC Disability Law Fact Sheet #703.

SPECIAL ACCIDENTAL DEATH BENEFITS

A Special Accidental Death Benefit is a monthly payment in addition to the Accidental Death Benefit of 50% of Wages. The effect of this benefit is to continue paying the equivalent of the decedent's salary including earned overtime, night differential, longevity payments and any other type of pensionable earnings, where applicable.

If the member was in an EMT title and died of injuries sustained in the line of duty as the natural and proximate result of an accident, (not caused by their own willful negligence, or while in military service), the benefit is paid to:

- The widow/widower; OR,
- The children of the deceased (under 18 years of age or under the age of 23 if a student) if the widow/widower is deceased.

This benefit is in addition to the Accidental Death Benefit applicable to all Tier 4 members and brings the total Accidental Death Benefit to a pension equal to 100% of the deceased member's salary.

BASIC TIER 4 BENEFITS

Participants in the EMT-25 Plan are entitled to other benefits applicable to Tier 4 members, including, but not limited to, ordinary disability benefits and ordinary death benefits. Please see the Tier 4 62/5 Summary Plan Description for complete Tier 4 information.

