

# Sanitation 22-Year Plan Enhanced Disability Benefit Fact Sheet



NYC EMPLOYEES'  
RETIREMENT SYSTEM

Tier 3

December 2021

This fact sheet describes the benefits and obligations of the Enhanced Disability Benefit program (EDB), available to participants in the Uniformed Sanitation Force Tier 3 22-Year Plan (SA-22 Plan).

## PARTICIPATION

Participation in the EDB program may be **voluntary or mandatory**.

### Voluntary Participation

Anyone who was an SA-22 Plan participant between April 1, 2012 and August 31, 2016 had the option to become a participant in the EDB Program by filing an election form no later than February 28, 2017. **THIS OPTION HAS EXPIRED.**

**ONCE AN ELECTION TO PARTICIPATE IN THE EDB PROGRAM IS FILED WITH NYCERS, IT MAY NOT BE REVOKED.**

### Mandatory Participation

Uniformed Sanitation Force members who become participants in the SA-22 Plan on or after September 1, 2016 are mandated into participation in the EDB.

## CONTRIBUTIONS

In addition to Basic Member Contributions (BMCs) of 3% of gross wages, participants in the EDB are required to pay the following Additional Member Contributions (AMCs) from the plan effective date (September 1, 2016) until retirement:

- ▶ 1.3% of gross wages

The AMC rate will expire on June 30, 2022. Prior to its expiration, the Actuary will review the AMC rate to determine if this rate fully funds the benefit. Should it be determined that an increase in contributions is needed to fund the benefit, the changes will be prospective.

AMCs are maintained in the Retirement Reserve Fund (RRF). AMCs are Federal tax-deferred for mandatory participants of the EDB (Uniformed Sanitation Force members who become participants in the SA-22 Plan on or after September 1, 2016), meaning that you do not pay Federal taxes on the contributions, only New York State and local taxes. AMCs are **NOT Federal tax-deferred** for SA-22 Plan participants who voluntarily ELECT the EDB. AMCs are not refundable or transferable to another public retirement system within New York State. **Note:** Contributions made while on Union Leave are not Federal tax-deferred for either voluntary or mandatory participants in the EDB.

## DEFICITS

Failure to pay any of the required contributions will result in a deficit. Members in this plan are not permitted to retire for disability with a deficit. If a deficit is identified prior to retirement, steps will be taken to resolve it. Unpaid deficits will also impact death benefits.

## ENHANCED DISABILITY RETIREMENT BENEFIT

EDB participants who become physically or mentally incapacitated and can no longer perform the duties of their job may be eligible for either an Ordinary Disability Benefit or an Accidental Disability Benefit.

Ordinary Disability Benefit: You are eligible for an Ordinary Disability Benefit if you have **at least five years** of Credited Service and have been found to be disabled by the Social Security Administration. The benefit is equal to the greater of:

- ▶ 1/3 of Final Average Salary (FAS) or
- ▶ 2% times FAS times years of Credited Service, but not in excess of 22 years of such service



**Accidental Disability Benefit:**

You are eligible for an Accidental Disability Benefit if you are awarded Primary Social Security Disability Benefits or are found to be disabled by the NYCERS Medical Board, and the Board of Trustees determines that the disability (as determined by the Social Security Administration or the NYCERS Medical Board) is the natural and proximate result of an accident not caused by your own willful negligence. The benefit is equal to 75% of Final Average Salary.

If you qualify for an Accidental Disability Benefit pursuant to the World Trade Center Law, your benefit will be equal to 75% of Final Average Salary. **Note:** To qualify for an Accidental Disability Benefit under the World Trade Center Law, you must have been a member of NYCERS or another public retirement system within New York State on or before September 11, 2001 and have filed a Notice of Participation with NYCERS by September 11, 2022.

Once you have filed a WTC Notice of Participation (Form #622, available at [www.nycers.org](http://www.nycers.org)), you can track the status of your application in your secure MyNYCERS account. Log in (or register) at [www.nycers.org](http://www.nycers.org) and look for the link labeled "WTC Notice of Participation."

**Note:** If you have not already filed Form #622, you can complete and notarize the paper form and upload it to MyNYCERS. Look for the "Upload a Form or Document" link.

In addition, all participants in the EDB are entitled to the Heart Law presumption. This law provides a presumption that certain diseases of the heart were incurred in the performance of duty. SA-22 Plan participants in the EDB who are approved for disability under the Heart Law are entitled to a disability benefit equal to 75% of Final Average Salary. This presumption may be rebutted by competent medical evidence.

**FINAL AVERAGE SALARY (FAS)**

FAS is defined as the average of wages earned by a member during any five consecutive years which provide the highest average wage. However, wages earned during any year used in an FAS calculation cannot exceed the average of the previous four years by more than 10 percent.

**COST-OF-LIVING ADJUSTMENT (COLA)**

Disability retirees who have been retired for at least five years are eligible for an annual Cost-of-Living Adjustment (COLA) pursuant to New York City Administrative Code §13-696, not the escalation pursuant to Retirement and Social Security Law §510.

**SOCIAL SECURITY BENEFITS**

The Enhanced Disability Benefit is **not** reduced by Social Security benefits received.

