



Correction Officer 20-Year Retirement Plan

TIER 3

MAY 2019

This brochure describes the benefits of the Correction Officer 20-Year Retirement Plan (CO-20 Plan). The CO-20 Plan is available ONLY to NYCERS members employed by the NYC Department of Correction in a Correction Officer Title below the rank of Captain (COT) for the first time prior to October 19, 2004.

PARTICIPATION

Any Tier 3 member who was employed in a COT on December 19, 1990, had the option to participate in the CO-20 Plan by filing an election form with NYCERS by June 17, 1991. THIS OPTION HAS EXPIRED.

Anyone who was a Tier 3 member prior to December 19, 1990 in a title other than a COT who subsequently becomes employed in a COT has an option to join the CO-20 Plan. An election form (Form #165) to participate in this plan must be filed within 180 days of becoming employed in a COT.

Participation in the CO-20 Plan would have been MANDATORY for any person who became employed in a COT and a NYCERS member for the first time on or after December 19, 1990 but prior to October 19, 2004.

Participants who cease to hold a COT will no longer be able to participate in the CO-20 Plan.

Participants who terminate service from a COT and return to a COT at a later date will again be required to participate in the CO-20 Plan.

CONTRIBUTIONS

As a Tier 3 member, you are required to contribute 3% of your gross wages until the earlier of attaining 10 years of Credited Service or reaching your tenth anniversary of membership. These contributions are referred to as Basic Member Contributions (BMCs) and they are held in the Member Contribution Accumulation Fund (MCAF).

As a member of the CO-20 Plan, you are also required to contribute Additional Member Contributions (AMCs). The following chart specifies your AMC rate based on when you became employed in a COT and a NYCERS member.

FIRST EMPLOYED IN A COT AND A NYCERS MEMBER	ADDITIONAL MEMBER CONTRIBUTION RATE
PRIOR TO JULY 1, 1988	5.11%
AFTER JUNE 30, 1988	3.61%

AMCs must be paid on all gross wages earned for all service rendered in a COT on or after December 19, 1990 and are required for the first 20 years of service rendered in a COT.

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 you do 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.

DEFICITS

Failure to pay any of the BMCs or AMCs will result in a deficit. If a deficit is identified prior to retirement, steps will be taken to resolve the deficit. If a deficit in the RRF account (AMCs) exists at retirement, the deficit must be resolved before the participant may collect a Service Retirement Benefit.

If a deficit in the RRF account (AMCs) exists and a participant with enough service to vest in the CO-20 Plan is discontinuing City service, the deficit must be resolved prior to discontinuance if he or she wishes to receive the Vested Retirement Benefit specified in the CO-20 Plan.

LOANS

CO-20 Plan participants may borrow up to 75% of the BMCs held in the MCAF account. Participants may not borrow any portion of the AMCs held in the RRF account. Any loans taken are subject to the same terms and conditions applicable to Tier 3 members. Please consult Brochure #911 for additional information.

CREDITED SERVICE vs. ALLOWABLE SERVICE

Participants in the CO-20 Plan who were mandated into participation in such plan because they became employed in a COT and a NYCERS member after December 19, 1990, may

ONCE AN ELECTION TO PARTICIPATE IN THE CO-20 PLAN IS FILED WITH NYCERS IT MAY NOT BE REVOKED

retire under the CO-20 Plan with 20 years of *Allowable Correction Service* without regard to age.

All other participants may retire under the CO-20 Plan with 20 years of *Credited Service* without regard to age.

Credited Service

Credited Service includes most public service rendered in New York City or New York State. Credited Service includes: Membership Service, Transferred Service, all Purchased Service, Military Service, Union Leave Service, Part-time Service and Purchased Service for periods of Child Care Leave.

Allowable Correction Service

Allowable Correction Service is defined as service while employed in a COT and service rendered in another uniformed force (NYC Housing Police, NYC Transit Police, NYC Department of Sanitation, NYC Police Department or NYC Fire Department) immediately prior to your appointment to a COT, provided that such other uniformed service was credited by NYCERS or transferred from the NYC Police Pension Fund or NYC Fire Department Pension Fund.

Allowable Correction Service also includes certain Military Service, Union Leave Service and Purchased Service for periods of Child Care Leave and/or up to 6 months of previous service in a COT.

Allowable Correction Service *does not* include other public service rendered in New York State or New York City, e.g., service rendered in a clerical position in another agency.

CHILD CARE LEAVE

Participants in the CO-20 Plan may purchase up to one year of service credit for each instance of authorized child care leave.

In order to purchase credit for a child care leave of absence you must be in active service and:

- Apply within 90 days of termination of the child care leave by filing Form #246; AND
- Pay an amount equal to what your required contributions would have been during the child care leave, plus accrued interest.

You may receive up to one year of service for each period of authorized child care leave.

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 five 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.

Participants who cease to hold a COT for any reason whatsoever and who have rendered less than 15 years of service in a COT have the option of withdrawing their AMCs, plus accrued interest. AMCs may also be withdrawn if a participant with less than 15 years of service in a COT changes titles to a non-COT and remains in City service. In this case, after receiving the refund of AMCs, such participant will no longer be entitled to a benefit under the CO-20 Plan, but will be entitled to a benefit from his or her underlying plan (assuming service requirements have been met). Refunds of AMCs are not possible for participants with 15 or more years of service rendered in a COT, or for participants who die prior to October 19, 2004.

VESTED RETIREMENT BENEFIT

If you end your employment with at least five (but less than 20) years of Service*, two of which are Membership Service, you will be entitled to a Vested Retirement Benefit. The Vested Retirement Benefit is calculated using the following formula:

$$2.5\% \times \text{Final Average Salary (FAS)} \times \text{Years of Service}^*$$

This benefit becomes payable on the date you would have completed 20 years of Service*.

SERVICE RETIREMENT

Participants in the CO-20 Plan are eligible to receive a Service Retirement Benefit upon attaining 20 or more years of Service* without regard to age. The Service Retirement Benefit is calculated using the following formula:

$$50\% \text{ of FAS for the first 20 years of Service}^*, \text{ plus}$$

$$1.67\% \text{ times FAS times the number of years of Service}^* \text{ in excess of 20, up to a maximum of 30 years.}$$

Note: Members who have purchased Military Service may not exceed the 30-year maximum benefit cap with such service.

FAS 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.

The escalation of benefits provisions applicable to Tier 3 general members do not apply to CO-20 Plan participants.

***REFER TO THE SECTION LABELED "CREDITED SERVICE VS. ALLOWABLE SERVICE" TO SEE WHICH TYPE OF SERVICE APPLIES TO YOU.**

DISABILITY RETIREMENT

Members in a COT who become physically or mentally incapacitated and can no longer perform the duties of their job title may apply for Disability Retirement Benefits. There are four separate disability provisions in the NYS Retirement and Social Security Law (RSSL) under which they may qualify. The chart below summarizes the qualifications and the benefits provided under each of these provisions. In addition, members in a COT are covered under other disability provisions described on page 4 of this brochure.

CORRECTION FORCE DISABILITY PROVISIONS AT-A-GLANCE

	Ordinary	Accidental	Dual Purpose Disability Statute	Performance-of-Duty (also see HAT Law, pg. 4)
RSSL Section	506	507	507-a	507-c
What is the service requirement?	5 or more years of Credited Service	None	10 or more years of Credited Service. If less than 10 years, may qualify if injury is due to on-the-job accident.	None
How does the member qualify for disability?	Member qualifies if found to be disabled by the Social Security Administration and has been awarded Primary Social Security Disability Benefits.	Member qualifies if found to be disabled by the Social Security Administration as the natural and proximate result of an accident sustained in active service and not the result of his/her own willful negligence and he/she is awarded Primary Social Security Disability Benefits. NYCERS' Medical Board must also determine if the injury was caused by an accident.	Member is physically or mentally incapacitated and cannot perform the duties of his or her job title as determined by NYCERS' Medical Board. If the member has less than 10 years of service, the Medical Board must also determine if the injury was the natural and proximate result of an accident not caused by his/her own willful negligence.	Member is found to be disabled by NYCERS' Medical Board as the natural and proximate result of injuries sustained in the performance of duties by an act of an inmate or any person confined under the jurisdiction of the Department of Correction or Department of Health.
How is the disability benefit calculated?	One-third of FAS OR 2% <i>times</i> FAS <i>times</i> Credited Service up to 30 years. Benefit reduced by 100% of any Workers' Compensation benefit and 50% of the Primary Social Security Disability Benefit.	60% <i>times</i> FAS reduced by 100% of any Workers' Compensation benefit and 50% of the Primary Social Security Disability Benefit.	One-third of FAS OR 1.67% <i>times</i> FAS <i>times</i> Credited Service OR if eligible to retire for service, the service retirement benefit if greater than the aforementioned calculations.	75% <i>times</i> FAS reduced by 100% of any Workers' Compensation benefit.

OTHER DISABILITY BENEFITS

Heart Law

The Heart Law provides a presumption that a disease of the heart was incurred in the performance of duty. Members in a COT who are approved for disability under the Heart Law are entitled to a disability benefit equal to 75% of FAS 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.

Hepatitis, AIDS and Tuberculosis (HAT) Law

The HAT Law provides that a member in a COT who contracts HIV (where he or she may have been exposed to bodily fluids of an inmate or a person confined to an institution under the jurisdiction of the NYC Department of Correction or Department of Health) tuberculosis or hepatitis, will be presumed to have contracted such disease in the performance and discharge of duty. Members approved for disability under this law are entitled to a disability benefit equal to 75% of FAS 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

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 be filed no later than September 11, 2022. Please visit our website and consult the WTC Disability Law Fact Sheet for additional information.

DEATH BENEFITS

In the event of your death prior to retirement, your beneficiary(ies) may be entitled to a death benefit. There are two primary types of death benefits: Ordinary Death Benefit and Accidental Death Benefit.

The Ordinary Death Benefit is:

- Three times your salary, *plus*
- A refund of your BMCs, plus interest, *and*
- A refund of your AMCs, plus interest, if you have less than 15 years of service in a COT or if you die on or after October 19, 2004.

The Ordinary Death Benefit is payable only if you were in City service for at least 90 days and you were in active service at the time of your death.

The Accidental Death Benefit is an annual benefit of 50% of your wages during your last year of City service.

The Accidental Death Benefit is payable to an Eligible Beneficiary (defined in law in a priority order, not designated by you) if you were in active service at the time of your death and your death was the result of an accidental injury sustained in the performance of duties.

Heart Law-Accidental Death Benefit

Members in a COT who die from a disease of the heart may be entitled to a presumption that the disease was incurred in the performance of duty, unless the contrary is proven by competent medical evidence. Your Eligible Beneficiary(ies) would be entitled to the Accidental Death Benefit and Special Accidental Death Benefit (described below) which are paid in accordance with the relevant statutes that govern such benefits.

World Trade Center Law-Accidental Death Benefit

The World Trade Center (WTC) Law provides that deceased 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 their death was caused by a Qualifying Condition or Impairment of Health which arose from participation in such operations, unless the contrary is proven. A Notice of Participation must be filed no later than September 11, 2022. Please visit our website and consult the WTC Disability Law Fact Sheet for additional information.

SPECIAL ACCIDENTAL DEATH BENEFIT

A Special Accidental Death Benefit is a supplemental 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.

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 or widower is deceased, of a member in a COT who has died of injuries sustained in the line of duty as the natural and proximate result of an accident, not caused by his or her own willful negligence, or while in military service.

The Special Accidental Death Benefit is generally increased annually by a percentage determined on the basis of the Consumer Price Index (CPI). The maximum potential benefit will be reduced by the basic amount of any Social Security survivors' benefit and Workers' Compensation award.

