



# The Road to Your NYCERS Retirement

Tier 4

Pension Outreach Programs



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## About NYCERS

NYCERS is a Defined Benefit Plan.

The benefits are defined by law and are protected by the New York State Constitution.

You must meet service and contribution requirements to receive a full pension benefit, based on:

**Years of Service  
and  
Final Average Salary**



# About NYCERS

## Funding

NYCERS is a cost-sharing multi-employer public retirement system.

The benefits of the system are financed by employer contributions, employee contributions and from earnings on the funds invested by the System.

- **Employer contributions** are determined annually by the Chief Actuary for the City of New York.
- **Employee contributions** are determined based on the plan in which they are enrolled and are paid through payroll deductions.
- **Investment earnings** from the investment portfolio are a significant component in the funding of the System.

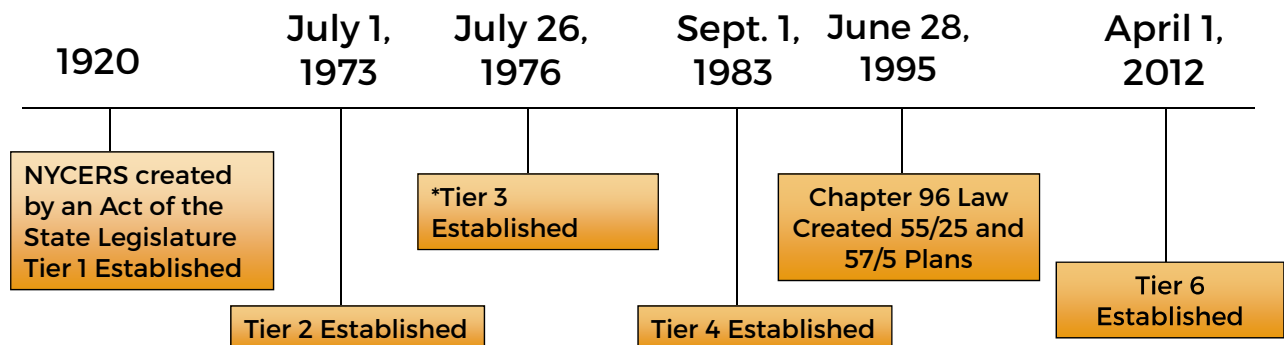
The Comptroller of the City of New York is the custodian of the funds.

NYCERS Board of Trustees creates and adopts investment policies under which the funds are invested. The administrative code of the City of New York authorizes the investment of the plan's assets and the NYS Retirement and Social Security Law establishes the criteria for permissible investments.



# What is Your Tier?

**Your Tier is generally determined by the date you joined NYCERS:**



**You are a Tier 4 member if you joined NYCERS after July 26, 1976, but before April 1<sup>st</sup> 2012, except for Correction Officers, Uniformed Sanitation Force and DA Investigators.**

**Members that joined between 7/26/76 and 9/1/83 are Tier 4 members who can elect their Tier 3 rights.\***



## 62/5 - Basic Tier 4 Plan

62/5

- This is the original Tier 4 plan.
- You joined after 7/26/76, but prior to 6/29/95, and did not elect the 55/25 plan.
- You pay Basic Member Contributions equal to 3% of your gross wages for 10 years.
- You may retire as early as 55 (Tier Equity), but beware of the penalty, AND You MUST be on ACTIVE PAYROLL to retire under Tier Equity.
- You can vest with at least 5 years of service.



## 62/5 – Basic Tier 4

Early Retirement – Age Reduction

Tier Equity	
62	No Reduction
61	6%
60	12%
59	15%
58	18%
57	21%
56	24%
55	27%



## 55/25 - Chapter 96 (Applicable to Tiers 2 & 4) 55/25

- You had to be employed in an eligible position on June 28, 1995 to elect this plan. The 90-day window to opt in was July-September 1995.
- You pay Basic Member Contributions equal to 3% of your gross wages for 10 years.
- PLUS Additional Member Contributions for 30 years (originally 4.35%, then 2.85%, now 1.85%).
- You cannot retire under this plan unless you have at least 25 years of service AND are 55 or older.
- There is no vesting provision with this plan.





## 57/5 - Chapter 96 (Applicable to Tier 4)

57/5

- This was the only plan available to new members beginning June 29, 1995 until March 31, 2012.
- You pay Basic Member Contributions equal to 3% of your gross wages for 10 years.
- PLUS Additional Member Contributions for 30 years (originally 4.35%, then 2.85%, now 1.85%).
- You are eligible to retire at age 57.
- You can vest with at least 5 years of service.





## Chapter 96 - Physically Taxing 50/25

- Participation is MANDATORY for any member of the 55/25 or 57/5 Plan who is employed in a Physically Taxing Position.
- You pay Basic Member Contributions equal to 3% of your gross wages for 10 years.
- *PLUS* Additional Member Contributions for 30 years (originally 4.35%, then 2.85%, now 1.85%).
- *PLUS* Physically Taxing AMCs for 30 years 1.98%.
- Eligible to retire at age 50 with 25 years of Physically Taxing service.

The list of Physically Taxing Positions was created by, and may be amended by, the NYC Office of Labor Relations.

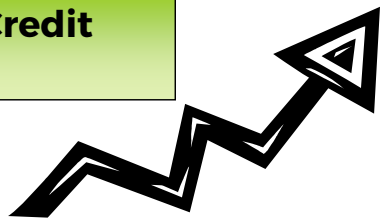


## Service Credit

All of these types of credit count towards your retirement:

- Membership Service
- Purchased Service
- Military Service
- Membership Reinstatement
- Transferred Service
- Union Leave
- Part-Time (Lifeguard Law)

**The more Service Credit  
you have...**



**...the higher your  
pension**



## Membership Service

**Full-time service is considered 1,827 hours per year.**

- 70 hours in a bi-weekly pay period.
- 35 hours in a weekly pay period.

If position has a work week with more hours than 35 hours, then that is the requirement for full service (e.g. TRANSIT).

**Anything less is considered part-time service (except for a few titles).**

- Service is pro-rated based on the hours actually worked.
- Time is counted per pay period.
- No rollover minutes!

**Members CANNOT earn more credit in a week than a week!**



## Buy-Back Basics

Most previous public service rendered in New York State is eligible for buy-back.

When in doubt: APPLY!!!

### Cost:

- 3% Basic Member, **plus**
- Additional Member Contributions, (If you are a member of 55/25 or 57/5), **plus**
- Interest: 5 percent, compounded annually



**Buy-back should be completed before you retire!!!**



# Applying for Buy-Back

When we receive your online or paper application, we will:

- Verify the service and salary information for the period claimed.
- Send you a cost letter.

Buy-back can be paid via:

- Lump sum;
- Partial lump-sum and payroll deductions;
- Payroll deductions;
- Rollover from 457 or 403(b); or
- MTA Deferred Compensation Plan: May rollover from 457 or 401(k)



NYCERS USE ONLY  
**F241**



Application to Purchase Credit for Service  
Rendered Prior to Membership Date in NYCERS

NYCERS now offers you two ways to purchase previous service: by submitting this application or using our new on-line buy back application. Members who register on our website (www.nyccers.org) can use an online application and submit it instantly for processing. If you choose to continue with this hard copy form, it is important to note that this is a multi-part form consisting of: Form 241 which is to be used to describe your buy-back claim, and Form 242 (for full-time service) or Form 243 (for part-time service) which is the verification of your payroll records for the specific claim. In most cases it is recommended that you allow NYCERS to either supply or obtain the payroll records needed on Form 242 or 243, but you may obtain that information yourself if you wish. NYCERS cannot process your buy-back until all of the information is received. If you have any questions or need help, contact our Call Center at (347) 643-3000.

Member Number	Last 4 Digits of SSN	Home Phone Number	Work Phone Number
First Name		MI	Last Name
Address			Apt. Number
City	State	Zip Code	

**Two-Year Rule:** Any time purchased will **not** be credited to you until you have two years of membership service.



## Military Buy-Back

Federal and state laws allow members to purchase service credit for times spent on active duty in the United States military.

- 1) The Uniformed Services Employment and Reemployment Rights Act (USERRA).
- 2) Article 20 of the New York State Retirement and Social Security Law.

**For more information, visit [www.nycers.org](http://www.nycers.org) for the Military Buy-Back Brochure #902 and Form #244.**



## Leave Without Pay (LWOP)

Any service rendered during employment that is *UNPAID* will NOT be Credited Service.

This includes any unpaid periods for:

- FMLA
- Medical Leave
- Parental Leave
- Suspension

**Generally, members are not permitted to buy back previous service for time spent off payroll.**

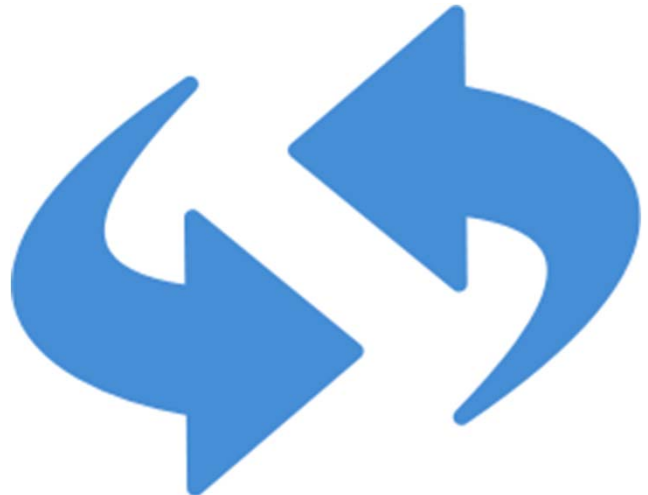




## Transfers and Reinstatements

Enable a member to possibly change their Tier or Plan-only way this can occur.

- Because they were a member before or currently have another membership.





## Transfers and Reinstatements

- NYCERS
- Board of Education Retirement System (BERS)
- NYC Police Pension Fund
- NYC Firefighters Pension Fund
- NYC Teachers' Retirement System (TRS)



- New York State and Local Employees' Retirement System (NYSLERS)
- NYS Teachers Retirement System (NYSTRS)
- NYS Police and Fire Retirement System (NYSPFRS)





## Union Leave

Members may be given Credited Service for an authorized leave of absence to conduct labor relations activities on behalf of a public employee union.

- Employer needs to adopt a resolution and notify NYCERS with an annual certification.
- Members are still required to pay required contributions-sometimes submitted monthly by the union.





## What If I Leave City Service Before Eligibility for Retirement?

### Vest



If you have put in the service credit required, then you will be entitled to a pension benefit when you reach your plan's payability age, even if you leave City service.

### Refund



If you have less than 10 years of Credited Service, you can request a refund. If you withdraw you forfeit your right to any future benefits from NYCERS.

### Transfer



If you become a member of one of the other 7 public pension systems in New York State, you can move your time and money to your new system.



# Loans

**Members may borrow up to 75% of their account balance.**

**(Chapter 96 members can also borrow up to 75% of the employee portion of their RRF Account)**

- One loan permitted every 12 months
- Member must have at least one year of membership service and be on active payroll to apply for a loan
- Loan must be repaid within five years
- Cost: 6% interest rate, .02% insurance premium, plus a \$30 loan processing fee per transaction.





## What If I Am Sick or Hurt? Disability Retirement

Disability is defined as an injury or illness that prevents an employee from performing the routine duties of his or her job title.

### Ordinary Disability

Members are eligible for a benefit for disability retirement not based on a service retirement benefit formula if they have 10 or more years of *Credited Service*, of which 5 years must be *Membership Service*.

### Accidental Disability

Members with less than 10 years of *Credited Service*, may be eligible to apply for disability retirement based on a service connected accident which occurred in the performance of City service.





## Death Benefit

### Years of Service

- 1 year but < 2 years
- 2 years but < 3 years
- 3 years and beyond

### Lump Sum\* Equals

- One year's Salary
- Two years' Salary
- Three years' Salary

Plus, Refund of BMCs and accrued interest  
Plus, Refund of employee share of AMCs accrued interest

\*Benefit is reduced for in-service deaths occurring after age 60 (5% reduction each year beyond age 60). Example: 15% reduction for in-service death at age 63.

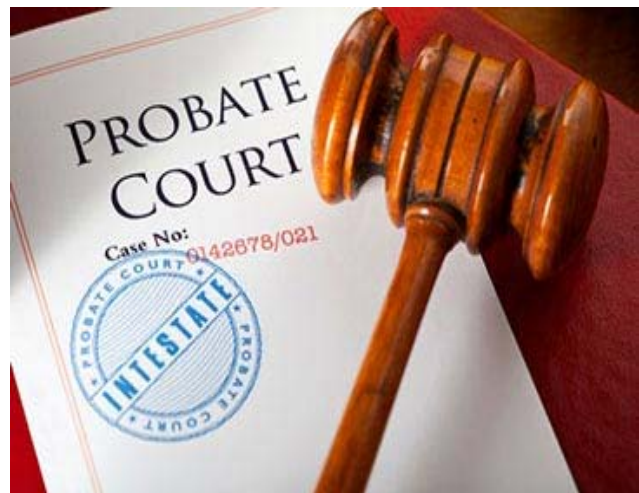




## What if a member dies and there is no beneficiary on file?

Any death benefit due is payable to the estate. Loved ones will need to go to probate court.

- Takes more time!
- Possible legal costs!





# Death Benefit Process

## 1) Notify NYCERS:

- File an Online Death Report at [www.nycers.org](http://www.nycers.org); OR
- Call NYCERS so that a representative can file report.

## 2) Submit an Original Death Certificate:

- Help us pay any benefits as soon as possible.
- Keep your beneficiary data up-to-date. Submit a beneficiary form to update names and or addresses of your beneficiary(ies).



## The Retirement Process

- Tell your employer.
- Establish your last day on City payroll.
- File a Retirement Application with NYCERS.
- Learn how & when you will receive advance payments.
- Select your interim Option.





## The Retirement Process

- **File a Retirement Application**
  - ✓ NYCERS will need your Last Day on Payroll.
  - ✓ You can file your retirement application no earlier than 90 days prior to your retirement date. Please note: **(30-day filing requirement for certain Special Plan Members!)**
  - ✓ Change your mind about retiring? You must withdraw your retirement application *prior* to your retirement date.
- File NYCERS Form #380 for direct deposit.
- NYCERS will issue a receipt – Give it to your Human Resources Representative or Benefit Coordinator.



## Advance Payments

- If you retire the **1st** or **2nd** of the month, you will receive an advance payment at the end of the month in which you retire.
- If you retire on the **3rd** of the month or later, you will not receive an advance payment until the end of the following month.

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



## **How to Calculate Your Final Average Salary Tier 4**

**Final Average Salary is the greater of:**

**The average of wages earned in any three  
consecutive calendar years.**

*or*

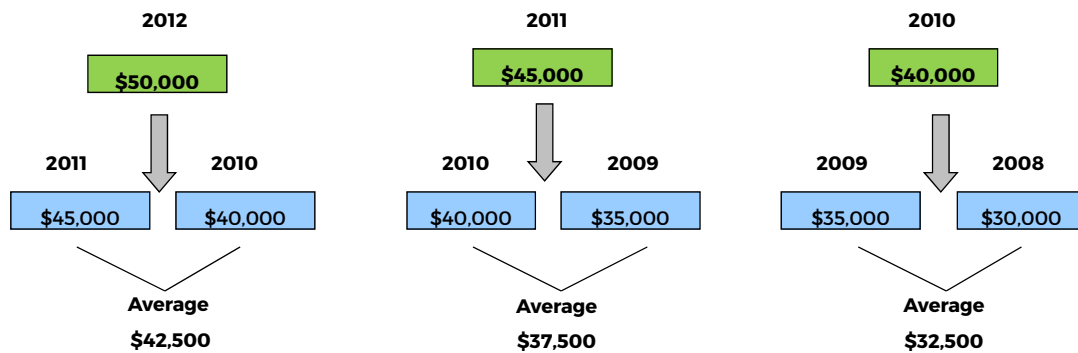
**The average of wages earned in the 36  
months immediately preceding your  
retirement date.**

**The majority of NYCERS members fall into this category**



## The Kingston Limitation (Tier 4)

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



Final Average Salary After Kingston Limitation is Applied

2012	2011	2010		
\$46,750	\$41,250	\$35,750	+	
			+	
			=	\$123,750 / 3 = \$41,250 (FAS)





## **Maximum Compensation Limit Internal Revenue Code (IRC) 401(a)(17)**

The Omnibus Budget and Reconciliation Act of 1993 (OBRA '93) reduced the maximum compensation limit under IRC 401(a)(17) for employees of the private sector. After a transition period the compensation limit was extended to include eligible participants of governmental state and local plans.

NYCRS members who joined the retirement system prior to July 1, 1996 (first plan year beginning after 12/31/1995) are exempt from the OBRA '93 Compensation Limit reductions and are “grandfathered” in the Compensation Limit rules that were in effect as of July 1, 1993 as escalated to the date of benefit determination.

However, members who first joined the plan on or after July 1, 1996 are not eligible for the “grandfathered” Pre-OBRA '93 Compensation Limit and are subject to the private sector reduced Compensation Limit under OBRA '93 as escalated to the date of benefit determination.



## Maximum Compensation Limit IRC 401(a)(17)

### COMPENSATION LIMITS

Calendar Year	Grandfathered	OBRA '93
1996	\$250,000	\$150,000
1997	260,000	160,000
1998	265,000	160,000
1999	270,000	160,000
2000	275,000	170,000
2001	285,000	170,000
2002	295,000	200,000
2003	300,000	200,000
2004	305,000	205,000
2005	315,000	210,000
2006	325,000	220,000
2007	335,000	225,000
2008	345,000	230,000
2009	360,000	245,000
2010	360,000	245,000
2011	360,000	245,000
2012	375,000	250,000
2013	380,000	255,000
2014	385,000	260,000
2015	395,000	265,000
2016	395,000	265,000
2017	400,000	270,000
2018	405,000	275,000
2019	415,000	280,000



## Calculating Your Retirement Benefit Tier 4

### **With Less Than 20 Years:**

$1.67\% \times \text{Years of Credited Service} \times \text{Final Average Salary}$

### **With 20 - 30 Years:**

$2\% \times \text{Years of Credited Service} \times \text{Final Average Salary}$

### **Over 30 Years:**

$1.5\% \times \text{Years of Credited Service in excess of 30} \times \text{Final Average Salary}$





## Outstanding Loans at Retirement

- An outstanding loan at retirement will *permanently* reduce your annual retirement benefit.
- The average *annual* reduction of your retirement benefit is \$70 for every \$1,000 of outstanding loan.

**Which is better, cash in hand with a lower monthly pension or a higher monthly pension with no cash?**



## Outstanding Loans at Retirement

2020 Outstanding Loan Reduction Factors					
Age at Retirement	Annual Reduction per \$1,000 of Loan		Age at Retirement	Annual Reduction per \$1,000 of Loan	
	2020 Non-Uniformed	2020 Uniformed		2020 Non-Uniformed	2020 Uniformed
40	37.29	37.72	58	51.90	52.77
41	37.83	38.28	59	53.11	54.02
42	38.39	38.86	60	54.40	55.34
43	38.97	39.47	61	55.75	56.75
44	39.58	40.10	62	57.18	58.22
45	40.22	40.75	63	58.69	59.78
46	40.89	41.44	64	60.30	61.44
47	41.59	42.16	65	62.01	63.21
48	42.32	42.91	66	63.85	65.11
49	43.09	43.71	67	65.82	67.14
50	43.91	44.55	68	67.94	69.33
51	44.77	45.44	69	70.23	71.69
52	45.66	46.36	70	72.73	74.27
53	46.59	47.33	71	75.45	77.08
54	47.56	48.33	72	78.39	80.13
55	48.58	49.37	73	81.59	83.43
56	49.64	50.45	74	85.06	87.05
57	50.74	51.58	75	88.88	91.02



## Retirement Options Tiers 4

### MAXIMUM RETIREMENT ALLOWANCE

OR,

- Option 1: 100% Joint-and-Survivor
- Option 2: 25%, 50%, or 75% Joint-and-Survivor
- Option 3: Five-Year Certain
- Option 4: Ten-Year Certain
- Option 5: 50% or 100% “Pop-Up”



## Pension Finalization

- After you have selected an option, you are placed on the pension payroll for the full amount of your benefit.
- This will include retroactive amounts for the difference between your advance payment and finalized pension payment.

**Note:** If you don't select your option timely, your advance payment could be suspended OR your pension could be finalized under the temporary option selected at retirement!





# Taxation

- NYCERS benefit payments are subject to Federal Income Taxes, but are EXEMPT from New York State and local income tax.

**Beware!** Other states may tax you on your benefits.

- Taxes are generally withheld from all benefit checks based on a member's direction.
- A 1099R tax form is sent each January to retirees reflecting pension income received and federal income tax withheld from that income during the previous tax year.



## What If I Want to Work After Retirement?

Where can I work without being subject to any limits?

For **service retirees**, there are no earnings limitations if you are age 65 and over OR if you are under age 65 and work for:

- The private sector;
- Federal government;
- City or State public service employment other than within New York State; OR
- Public benefit corporations.

What if I am under age 65 and want to work for NYC or NYS?

### Section 212 Limit:

- You may receive income from public service employment in NYC or NYS; however, your earnings are subject to an annual limit.
- Annual Limit - \$35,000

**NOTE:** Transit retirees can work for a NYC or NYS agency without any earnings limitations.



## What If I Want to Return to City Service?...Restored Pensioner

**NYCERS**  
New York City Employees' Retirement System

**Election by a Retiree Reentering City Service to Rejoin NYCERS**

This form is for retirees who are reentering City service and who wish to rejoin NYCERS. This form must be completed and returned to NYCERS within 90 days after your return to City service. If you do not wish to rejoin NYCERS, do not file this form. Alternatively, you can file an election under Retirement and Social Security Law § 208, § 211.7b (excepting from § 211.7b) filing form #211 will allow you to opt up to \$10,000 in any calendar year before your pension is suspended. Should you have any questions, please contact our Call Center at (212) 444-0088.

**Section 1: Personal Information**

Section Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Name: \_\_\_\_\_ Work Phone Number: \_\_\_\_\_  
 Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
 Address: \_\_\_\_\_ Apt. Number: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Title: \_\_\_\_\_

I have reentered City service as a \_\_\_\_\_ in the Department of \_\_\_\_\_ effective \_\_\_\_\_ at a salary of \$ \_\_\_\_\_ per annum.

I, the undersigned, understand that this form must be completed and returned to NYCERS within 90 days after my return to City service. I understand that I will forfeit my right to rejoin NYCERS if I do not file this form within the aforementioned deadline.

I further understand that filing this form will trigger the suspension of my pension payments and once my membership has been established, it cannot be reversed during my post-retirement public employment.

\*This is the deadline for the calendar year 2012. This earnings limitation may be increased by action of the New York State Legislature. Please consult the legislative action of our website at [www.ny.gov](http://www.ny.gov) if legislation has been enacted to increase the limitation.

Signature of Member: \_\_\_\_\_ Date: \_\_\_\_\_

**This form must be acknowledged before a Notary Public or Commissioner of Deeds**

Name of \_\_\_\_\_ County of \_\_\_\_\_ On this \_\_\_\_\_ day of \_\_\_\_\_, I, \_\_\_\_\_ personally appeared \_\_\_\_\_ before me the above named \_\_\_\_\_, known to me to be the individual described in and who executed the foregoing instrument, and he or she acknowledged to me that he or she executed the same, and that the statements contained therein are true. (If you have an official seal, affix it.)

Signature of Notary Public or Commissioner of Deeds: \_\_\_\_\_  
 Official Title: \_\_\_\_\_  
 Expiration Date of Commission: \_\_\_\_\_

**Sign this form and have it notarized, THEN FILE**

2012-14 **Check** Call the Office (212) 444-0088 **Noting** 100 Avenue of the Americas, Suite 2000 **Page 1 of 1**  
 Website: [www.ny.gov](http://www.ny.gov) **Address:** Brooklyn, NY 11201-2000

If you return to City service in a NYCERS-eligible position, you have 90 days from the date of appointment to rejoin NYCERS if you wish to become a member again.



# Retiree Health Benefits

**Health care benefits for retirees  
are NOT administered by NYCERS.**

## **CONTACT:**

- NYC Office of Labor Relations: (212) 513-0470 or [www.nyc.gov/html/olr](http://www.nyc.gov/html/olr)
- NYC Transit Authority: Employee Benefits: (646) 376-0123
- TBTA – Benefits Division: (646) 252-7935

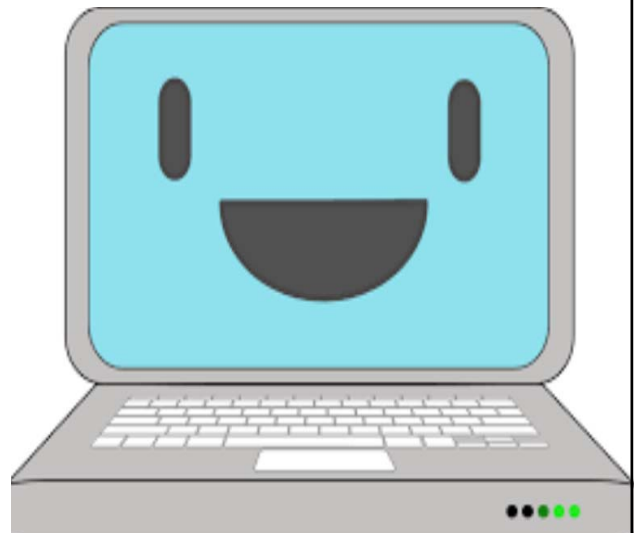




## Sign up for a MyNYCERS Account!

Go to [www.nycers.org](http://www.nycers.org)

- Follow the steps to activate your account.
- Your verification code will be sent immediately by text or email.
- Register the code for full access to MyNYCERS!



# **Informational Brochures**



# 62/5 Retirement Plan For Tier 4 Members

TIER 4

MARCH 2013

This brochure describes the obligations and benefits of the 62/5 Retirement Plan for Tier 4 members. The 62/5 Retirement Plan, also referred to as the Basic Tier 4 Plan, allows participants to retire with a full pension at age 62 with at least five years of Credited Service, or with a reduced pension between the ages of 55 and 61 (see Tier Equity section on page 2). For a comprehensive explanation of benefits, please see the 62/5 Summary Plan Description (SPD), available at [www.nycers.org](http://www.nycers.org).

## PARTICIPATION

Membership in this plan is for:

- Employees of the City of New York or a Participating Employer who joined NYCERS after July 26, 1976 but prior to June 29, 1995 and **did not elect** to participate in the 55/25 Retirement Plan; or
- Employees who were employed by New York City or a Participating Employer in an eligible position on June 28, 1995, but were not NYCERS members, and who did not elect the 55/25 Retirement Plan (See 55/25 Plan Brochure #944); or
- Members who are mandated into the 57/5 Retirement Plan (established by Chapter 96 of the Laws of 1995) and transfer a prior membership from another retirement system in New York City or New York State, where such membership was prior to June 28, 1995, and who do not elect to remain in the 57/5 plan; or
- Employees of the Triborough Bridge and Tunnel Authority (TBTA) in the title of Bridge and Tunnel Maintainer, including Assistant and Senior levels, and in the title of Laborer with the TBTA who join (or joined) NYCERS after July 26, 1976; or
- Tier 4 members who were mandated into a special plan and opted out of such special plan because they were over a certain age, and who were employed by New York City or a Participating Employer in an eligible position on June 28, 1995, but did not elect the 55/25 Retirement Plan (See 55/25 Plan Brochure #944).

## CONTRIBUTIONS

As a Tier 4 member you are required to contribute 3% of your gross wages, including overtime, 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 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.

Your BMCs are deposited into an account called the Member Contribution Accumulation Fund (MCAF) and accrue interest at the rate of 5%, compounded annually. The accrual of interest on your contributions is of value in certain ways, but should not be equated to interest accrued in a savings account. A defined benefit retirement plan formula, prescribed by law, is used to calculate your pension. Interest has more of a direct impact in areas such as loans and refunds; the amount you can borrow is based on 75% of your MCAF, which is constantly growing because of interest, and refunds include interest earned.

## DEFICITS

The cumulative total of contributions that should be in your MCAF is known as your Required Amount and serves as one of the conditions to retire with an unreduced pension. Any amount less than your Required Amount is considered a deficit. If a deficit is identified prior to retirement, steps will be taken to resolve it. In the event of a deficit at retirement, an actuarial reduction can be applied to your pension benefit.

## LOANS

62/5 Plan participants may borrow up to 75% of the BMCs held in the MCAF account. Any loans taken are subject to terms and conditions such as a limitation to one loan per every 12-month period and complete repayment in 5 years. Please see the 62/5 SPD or Loan Brochure #911 for additional terms and conditions, as well as information on the consequences of a loan default.





## REFUNDS

62/5 Plan participants who leave City service with less than 10 years of Credited Service may apply for a refund of BMCs inclusive of interest accrued. Members with between five and 10 years of Credited Service must also submit a form to NYCERS to waive their right to a Vested Retirement Benefit before a refund can be processed. Members with 10 or more years of Credited Service are not eligible for a refund of their BMCs.

Members who leave City service with less than 5 years of Credited Service and do not return to City service within a five-year period will have their membership terminated by operation of law even if they have not applied for a refund of their BMCs.

You must be off payroll for thirty (30) or more days to qualify for a refund.

## VESTED RETIREMENT BENEFIT

Vesting means that you have earned a right to receive benefits in the future; it is a way to receive benefits from NYCERS when you reach age 62 even if you leave City service at a younger age. Participants in the 62/5 Plan who have five or more years of Credited Service, at least two years of which are Membership Service, are entitled to receive a Vested Retirement Benefit at age 62. The Vested Retirement Benefit is computed in the same manner as the Service Retirement Benefit specified below.

## SERVICE RETIREMENT

Participants in the 62/5 Plan who have five or more years of Credited Service, at least two years of which are Membership Service, are eligible to receive a Service Retirement Benefit at age 62.

The Service Retirement Benefit payable under the 62/5 Plan is calculated as follows:

- For a Participant with **less than 20 years** of Credited Service:  
 $1.67\% \text{ times Final Average Salary* (FAS) times years of Credited Service}$
- For a Participant with **20 to 30 years** of Credited Service:  
 $2\% \text{ times FAS times years of Credited Service}$
- For a Participant with **more than 30 years** of Credited Service:  
 $2\% \text{ times FAS times 30 years of Credited Service, PLUS}$   
 $1.5\% \text{ times FAS times years of Credited Service in excess of 30.}$

\* **Final Average Salary (FAS)** is defined as the average of wages earned by a member during any three consecutive calendar years or the 36 months immediately preceding the member's retirement date. However, wages earned during any year used in an FAS calculation cannot exceed the average of the previous two years by more than 10%. See Brochure #929 for a detailed explanation.

## TIER EQUITY

Under a law commonly referred to as "Tier Equity," members in the 62/5 Plan may retire earlier than age 62, but no earlier than age 55. To take advantage of Tier Equity, you must file for retirement while you are still in active payroll status. Early retirement under Tier Equity carries a penalty -- a permanent reduction in your retirement benefit. The reduction is based on your age when you file for retirement.

The following table shows the percentage reduction for various ages:

AGE REDUCTION TABLE	
AGE PAYMENT BEGINS	PERCENT OF BENEFIT REDUCTION
61	6%
60	12%
59	15%
58	18%
57	21%
56	24%
55	27%

Members who have left City service prior to age 55 cannot collect an early Vested Retirement Benefit with the penalty, but rather must wait until age 62 to collect. However, if you are a Tier 4 Member with Tier 3 Rights (joined NYCERS after July 26, 1976 but before September 1, 1983), or a TBTA Officer, Sergeant, Lieutenant, Maintainer, or Laborer who can take advantage of Special Age Reduction provisions, you can collect a Vested Retirement Benefit prior to age 62. Please see the 62/5 SPD for detailed information.

## BASIC TIER 4 BENEFITS

Participants in the 62/5 Plan are entitled to other benefits applicable to Tier 4 members, such as death benefits and disability benefits. Participants should refer to the 62/5 SPD for details.





# 55/25 Retirement Plan For Tier 4 Members

## TIER 4

SEPTEMBER 2013

This brochure outlines the benefits of the 55/25 Retirement Plan for Tier 4 members.

### PARTICIPATION

Any person who was employed in an Eligible Position on June 28, 1995 and who was a Tier 4 NYCERS member had an option to participate in the 55/25 Plan by filing an election form with NYCERS within 90 days from June 28, 1995.

Any person who was employed in an Eligible Position on June 28, 1995, but was NOT a Tier 4 NYCERS member on that date, has an option to participate in the 55/25 Plan by filing an election form with NYCERS within 90 days from the date of the letter advising him or her of the option to elect the 55/25 Plan, which is sent shortly after he or she joins NYCERS.

Tier 4 members who do not elect to participate in the 55/25 Plan are participants in the basic Tier 4 plan -- the 62/5 Plan.

An Eligible Position is any position in City service except for the following:

1. Any Transit Authority member eligible to participate in the Transit 25/55 Plan
2. Any position in the uniformed forces of the Department of Correction and the Department of Sanitation
3. The positions of Bridge and Tunnel Officer, Bridge and Tunnel Sergeant, Bridge and Tunnel Lieutenant, Assistant Bridge and Tunnel Maintainer, Bridge and Tunnel Maintainer, Senior Bridge and Tunnel Maintainer, and Laborer with the Triborough Bridge and Tunnel Authority
4. Any position in the Division of Housing and Community Renewal
5. Any position in the unified court system
6. Any teaching position with the City University of New York
7. Any Investigator employed in a District Attorney's office

Any person who was employed in an Eligible Position on June 28, 1995, but was not a Tier 4 NYCERS member on that date, who subsequently becomes employed in certain special occupational titles (e.g., Emergency Medical Technicians, Deputy Sheriffs, etc.) may be compelled to participate in special retirement plans (e.g., EMT 25-Year Plan, Deputy Sheriff 25-Year Plan, etc.) available to such titles. However, if a participant in one of these special retirement plans ceases to be employed in a special occupational title, he or she may be placed in the 62/5 Plan and given an opportunity to elect the 55/25 Plan if he or she is employed in an Eligible Position.

### CONTRIBUTIONS

As a Tier 4 member you are required to contribute 3% of your gross wages until the earlier of attaining 10 years of Credited Service or upon 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).

Participants in the 55/25 Plan with a membership date on or after July 1, 1993 are also required to contribute Additional Member Contributions (AMCs) for ALL Credited Service according to the following schedule:

- 1.85% of gross wages for all Credited Service rendered subsequent to December 2, 2001
- 2.85% of gross wages for all Credited Service rendered after January 01, 1998 and prior to December 2, 2001
- 4.35% of gross wages for all Credited Service rendered prior to January 01, 1998

Participants in the 55/25 Plan with a membership date before July 01, 1993 are required to pay AMCs on all Credited Service rendered after January 01, 1995 at the rates specified above.

The only exception to this rule applies to 55/25 participants who were members of the Transit 25/55 Plan prior to participating in the 55/25 Plan. Such participants are not required to pay AMCs for any service rendered while they were a participant in the Transit 25/55 Plan. In addition to the BMCs and AMCs described above, participants employed in "Physically Taxing Positions\*" must contribute an additional 1.98% of gross wages on ALL Credited Service (participants with a membership date before July 01, 1993 contribute this rate on all Credited Service rendered after January 01, 1995).

Participants must contribute AMCs (including physically taxing AMCs, where applicable) until they attain 30 years of Credited Service.

AMCs are maintained in the Retirement Reserve Fund (RRF), which is an account maintained separately from the MCAF account. Fifty percent of the AMCs are considered employee contributions; the other fifty percent of the AMCs are considered employer contributions. This distinction becomes significant particularly in refunds and loans (See the Refunds and Loans sections of this brochure).

\*A Physically Taxing Position is a position in City service included in the official List of Physically Taxing Posi-





# 57/5 Retirement Plan For Tier 4 Members

## TIER 4

SEPTEMBER 2013

This brochure outlines the benefits of the 57/5 Retirement Plan for Tier 4 members.

### PARTICIPATION

Any person who becomes employed in an Eligible Position **after** June 28, 1995 and becomes a Tier 4 member must participate in the 57/5 Plan.

An Eligible Position is any position in City service except for the following:

1. Any Transit Authority member eligible to participate in the Transit 25/55 Plan
2. Any position in the uniformed forces of the Department of Correction and the Department of Sanitation
3. The positions of Bridge and Tunnel Officer, Bridge and Tunnel Sergeant, Bridge and Tunnel Lieutenant, Assistant Bridge and Tunnel Maintainer, Bridge and Tunnel Maintainer, Senior Bridge and Tunnel Maintainer, and Laborer with the Triborough Bridge and Tunnel Authority
4. Any position in the Division of Housing and Community Renewal
5. Any position in the unified court system
6. Any teaching position with the City University of New York
7. Any Investigator employed in a District Attorney's office

While not specifically excluded from the definition of Eligible Position, Tier 4 members who become employed in certain special occupational titles (e.g., Emergency Medical Technicians, Deputy Sheriffs, etc.) may be compelled to participate in special retirement plans (e.g., EMT 25-Year Plan, Deputy Sheriff 25-Year Plan, etc.) available to such titles. However, if a participant in one of these special retirement plans ceases to be employed in a special occupational title, he or she may be placed in the 57/5 Plan if he or she is employed in an Eligible Position.

Employees with a Tier 4 membership in existence prior to June 28, 1995 who:

- were not employed in an Eligible Position on June 28, 1995, and
- become employed in an Eligible Position after June 28, 1995

will have 90 days from the date of the letter advising them of the option to elect the 57/5 Plan, which is sent shortly after their appointment to an Eligible Position or, in the case of a transfer of membership, shortly after the transfer arrives at NYCERS. Any

election to participate in the 57/5 Plan shall be irrevocable.

### CONTRIBUTIONS

As a Tier 4 member you are required to contribute 3% of your gross wages until the earlier of attaining 10 years of Credited Service or upon 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).

Participants in the 57/5 Plan are also required to contribute Additional Member Contributions (AMCs) for **ALL** Credited Service according to the following schedule:

- 1.85% of gross wages for all Credited Service rendered subsequent to December 2, 2001
- 2.85% of gross wages for all Credited Service rendered after January 1, 1998 and prior to December 2, 2001
- 4.35% of gross wages for all Credited Service rendered prior to January 1, 1998

The only exception to this rule applies to 57/5 participants who were members of the Transit 25/55 Plan prior to participating in the 57/5 Plan. Such participants are not required to pay AMCs for any service rendered while they were a participant in the Transit 25/55 Plan. In addition to the BMCs and AMCs described above, participants employed in "Physically Taxing Positions\*" must contribute an additional 1.98% of gross wages on **ALL** Credited Service. Participants must contribute AMCs (including physically taxing AMCs where applicable) until they attain 30 years of Credited Service.

AMCs are maintained in the Retirement Reserve Fund (RRF), which is an account maintained separately from the MCAF account. Fifty percent of the AMCs are considered employee contributions; the other fifty percent of the AMCs are considered employer contributions. This distinction becomes significant particularly in refunds and loans (See the Refunds and Loans sections of this brochure).

\*A Physically Taxing Position is a position in City service included in the official List of Physically Taxing Positions established and maintained by the NYC Office of Labor Relations. Members in the 57/5 Plan employed in such positions are required to contribute more for the right to retire as early as age 50.

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 required BMCs or AMCs will result in a deficit. If a deficit is identified prior to retirement, steps will be taken to resolve the deficit. In the event of a deficit at retirement, an actuarial reduction can be applied to pension benefits.

## LOANS

In addition to the ability to borrow up to 75% of the BMCs held in the MCAF account, 57/5 Plan participants may borrow up to 75% of the **employee portion** (50%) of AMCs in the RRF. Any loans taken are subject to the same terms and conditions applicable to Tier 4 members. Please consult the Tier 4 62/5 Summary Plan Description (SPD) booklet or Brochure #911 for additional information.

## REFUNDS

57/5 Plan participants who have rendered less than 10 years of Credited Service and who leave City service may apply for a refund of BMCs and the **employee portion** (50%) of AMCs, plus accrued interest at a rate of 5% compounded annually, 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.

**Other than a refund issued to a participant with less than 10 years of Credited Service, refunds of the employee portion (50%) of AMCs are permissible in the event of:**

1. The death of the participant
2. The service retirement of the participant at age 62 or later, provided that such participant was in active service for a total of at least six months out of each of the two 12-month periods immediately preceding his or her retirement for service
3. The disability retirement of the participant
4. The transfer of a participant to another public employee retirement system in New York State, other than the Board of Education Retirement System

For participants in Physically Taxing Positions, the **employee portion** (50%) of the 1.98% AMC rate will be refunded if they have credit for 25 or more years of Physically Taxing Service and they are at least age 57 when they retire for service, provided that they were in active service for a total of at least six months out of each of the two 12-month periods immediately preceding their retirement for service.

## VESTED RETIREMENT BENEFIT

Vesting is about your right to receive future benefits from NYC-ERS even if you leave City service. You are vested when you have met the minimum service requirements of your plan.

Participants in the 57/5 Plan who have five or more years of Credited Service, at least two years of which are Membership Service, are entitled to receive a Vested Retirement Benefit at age 57.

Participants employed in Physically Taxing Positions are eligible to receive a Vested Retirement Benefit at age 50 if they have 25 or more years of Physically Taxing Service at the time they separate from City service.

The Vested Retirement Benefit is computed in the same manner as the Service Retirement Benefit specified below.

## SERVICE RETIREMENT

Participants in the 57/5 Plan who have five or more years of Credited Service, at least two years of which are Membership Service, are eligible to receive a Service Retirement Benefit at age 57.

Participants employed in Physically Taxing Positions are eligible to receive a Service Retirement Benefit as early as age 50 if they have at least 25 years of Credited Service in a Physically Taxing Position.

The Service Retirement Benefit payable under the 57/5 Plan is calculated as follows:

- **For a Participant with less than 20 years of Credited Service:**  
 $1.67\% \text{ times Final Average Salary* (FAS) times years of Credited Service}$
- **For a Participant with between 20 and 30 years of Credited Service:**  
 $2\% \text{ times FAS times years of Credited Service}$
- **For a Participant with more than 30 years of Credited Service:**  
 $2\% \text{ times FAS times 30 years of Credited Service, PLUS } 1.5\% \text{ times FAS times years of Credited Service in excess of 30.}$

\*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 the member's 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. See Brochure #929 for a detailed explanation.

## BASIC TIER 4 BENEFITS

Participants in the 57/5 Plan are entitled to other benefits applicable to Tier 4 members such as death benefits and disability benefits. Participants should refer to the Tier 4 62/5 Summary Plan Description for details on these benefits.



ons established and maintained by the NYC Office of Labor Relations. Members in the 55/25 Plan employed in such positions are required to contribute more for the right to retire as early as age 50 provided they have 25 years of Credited Service in a Physically Taxing Position.

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 required BMCs or AMCs will result in a deficit. If a deficit is identified prior to retirement, steps will be taken to resolve the deficit. In the event of a deficit at retirement, an actuarial reduction will be applied to pension benefits.

## LOANS

In addition to the ability to borrow up to 75% of the BMCs held in the MCAF account, 55/25 Plan participants may borrow up to 75% of the **employee portion** (50%) of AMCs in the RRF. Any loans taken are subject to the same terms and conditions applicable to Tier 4 members. Please consult the Tier 4 62/5 Summary Plan Description (SPD) booklet or Brochure #911 for additional information.

## REFUNDS

55/25 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 at a rate of 5% compounded annually, 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.

**Only the employee portion of AMCs (50%) can be refunded, and only in the event of:**

1. The death of the participant
2. The service retirement of the participant at age 62 or later, provided that such participant was in active service for a total of at least six months out of each of the two 12-month periods immediately preceding his or her retirement for service
3. The disability retirement of the participant
4. The transfer of a participant to another public employee retirement system in New York State, other than the Board of Education Retirement System
5. The termination of the participant's employment for economic reasons

For participants in Physically Taxing Positions, the **employee portion** (50%) of the 1.98% AMC rate will be refunded if they have credit for 25 or more years of Physically Taxing Service and they are at least age 55 when they retire for service, provided that they were in active service for a total of at least six months out

of each of the two 12-month periods immediately preceding their retirement for service.

## VESTED RETIREMENT BENEFIT

Vesting is about your right to receive future benefits from NYC-ERS even if you leave City service. You are vested when you have met the minimum service requirements of your plan.

There is no specific vesting provision in the 55/25 Plan. However, participants who have five or more years of Credited Service, at least two years of which are Membership Service, are entitled to receive a Vested Retirement Benefit at age 62.

The Vested Retirement Benefit is computed in the same manner as the Vested Retirement Benefit in the 62/5 Plan.

Please consult the Tier 4 62/5 SPD for additional information.

## SERVICE RETIREMENT

Participants in the 55/25 Plan who have 25 or more years of Credited Service, at least two years of which are Membership Service, are eligible to receive a Service Retirement Benefit at age 55.

Participants employed in Physically Taxing Positions are eligible to receive a Service Retirement Benefit as early as age 50 if they have at least 25 years of Credited Service in a Physically Taxing Position.

In both cases, participants must apply for service retirement while in active service.

The Service Retirement Benefit payable under the 55/25 Plan is calculated as follows:

- **For a Participant with between 25 and 30 years of Credited Service:**  
 $2\% \text{ times Final Average Salary* (FAS) times years of Credited Service}$
- **For a Participant with more than 30 years of Credited Service:**  
 $2\% \text{ times FAS times 30 years of Credited Service, PLUS } 1.5\% \text{ times FAS times years of Credited Service in excess of 30.}$

\*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 the member's 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. See Brochure #929 for a detailed explanation.

## BASIC TIER 4 BENEFITS

Participants in the 55/25 Plan are entitled to other benefits applicable to Tier 4 members such as death benefits and disability benefits. Participants should refer to the Tier 4 62/5 Summary Plan Description for details on these benefits.





# PHYSICALLY TAXING TITLES

TIER 4

AUGUST 2013

**This fact sheet provides information for Chapter 96 members employed in physically taxing titles. Use this fact sheet in conjunction with the brochure that describes your Chapter 96 Plan to get a complete understanding of your benefits and obligations. See pages 2 - 4 for the Official List of Physically Taxing Positions.**

**What does it mean if my title is classified as physically taxing?** It means that your job duties are physically strenuous and that your title is on the Official List of Physically Taxing Positions established and maintained by the NYC Office of Labor Relations. (The list of physically taxing positions as of February 6, 2006 begins on page 2 of this brochure.) For your pension, it also means that if you belong to a Chapter 96 Plan (either the 55/25 or 57/5 Plan) you can take advantage of early retirement provisions. Specifically, you can retire as early as age 50 with 25 years of Credited Service in a physically taxing title.

**How do I know if I am eligible for the physically taxing early retirement provisions?** Only members of a Chapter 96 Plan who are employed in a physically taxing title are eligible for the physically taxing early retirement provisions specified in the Chapter 96 Plan of which they are a participant. Members of the 62/5 Plan are not eligible for these provisions.

You do not have to be in a physically taxing title at retirement as long as you are in a Chapter 96 Plan and have met the physically taxing age and service requirements. For example, if you were promoted to a managerial title after rendering at least 25 years of physically taxing service, you may retire as early as age 50 as a participant in a Chapter 96 plan. Participants in the 55/25 Plan must be on active payroll when filing for retirement; participants in 57/5 do not have to be on active payroll when filing for retirement.

**How do I know which Chapter 96 Plan I belong to?** Your Annual Disclosure Statement (ADS), mailed each spring, specifies your plan. You may also visit our Customer Service Center, contact our Call Center, or log in to your MY NYCERS account to learn your plan.

**What is the cost for the physically taxing early retirement benefit?** In addition to basic and additional member contributions required of Chapter 96 participants, members in physically taxing titles pay an additional 1.98% of their gross wages on ALL Credited Service (except 55/25 Plan participants with a membership date prior to 7/1/1993 who are only required to pay on all

Credited Service rendered after 1/1/95 for the right to retire early).

**Can I choose not to participate in physically taxing early retirement provisions?** No. If you are in a Chapter 96 Plan and your title is on the physically taxing list, you are automatically subject to these provisions and must contribute 1.98% of gross wages, regardless of your age or ability to reach 25 years of Credited Service in a physically taxing title.

**Do the early retirement provisions provide for a larger retirement benefit?** The provisions simply provide for a reduced retirement age with 25 years of Credited Service in a physically taxing title. All other provisions of your Chapter 96 Plan (55/25 or 57/5), such as retirement benefit formulas, death benefits and disability benefits, remain the same.

**What if I do not want to retire when I reach age 50 with 25 years of Credited Service in a physically taxing title, can I get a refund of my contributions when I retire?** For physically taxing members in the 55/25 Plan, the employee portion (50%) of the 1.98% rate will be refunded if you have credit for 25 or more years of Credited Service in a physically taxing title and are at least age 55 when you retire for service, provided you were in active service for at least six months in each of the two 12-month periods immediately preceding your retirement. For physically taxing members in the 57/5 Plan, the employee portion (50%) of the 1.98% rate will be refunded if you have credit for 25 or more years of Credited Service in a physically taxing title and are at least age 57 when you retire for service, provided you were in active service for at least six months in each of the two 12-month periods immediately preceding your retirement.

**What if I leave City service before I have 25 years of Credited Service in a physically taxing title?** While you would not be able to collect a benefit under the physically taxing early retirement provisions described in this fact sheet, you may be able to collect a retirement benefit based on the rules and provisions of your Chapter 96 Plan. For additional information, consult the brochure for your plan available on our website, [www.nycers.org](http://www.nycers.org).

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[www.nycers.org](http://www.nycers.org)



# OFFICIAL LIST OF PHYSICALLY TAXING POSITIONS

Able Seaman	91501	Bridge and Tunnel Maintainer	90703	District Foreman (Sewer Maintenance)	91338
Administrative Superintendent of Water and Sewer Systems	10081	Bridge Painter	91805	District Foreman (Water Supply)	91328
Ambulance Corpsman	00222	Bridge Repairer and Riveter	92310	District Foreman (Watershed Maintenance)	91327
Apprentice Construction Laborer	90748	Bridgeman and Riveter	92310	District Supervisor	91325
Area Supervisor (Highway Maintenance) Level I and II	91352	Building Repairer	90755	District Supervisor (Highway Maintenance)	91337
Asbestos Handler	31313	Building Repairman	90755	District Supervisor (Water and Sewer Systems)	91309
Asbestos Handler Supervisor	31314	Cable Splicer	91707	District Supervisor (Watershed Maintenance)	91327
Asphalt Steam Roller Engineer	91601	Cable Splicer's Helper	91708	Dockbuilder	92010
Asphalt Worker	92405	Captain (Engineer)	91513	Driller	92415
Assistant Bridge and Tunnel Maintainer	90794	Captain (Ferry)	91510	Electrician	91717
Assistant Captain (Ferry Service)	91504	Captain (Sludge Boat)	91516	Electrician (Automobile)	91719
Assistant City Highway Repairer	90692	Captain (Tugboat)	91519	Electrician's Helper	91722
Assistant Gardener	81309	Caretaker (Housing Authority)	90645	Elevator Mechanic	90710
Assistant Highway Repairer	92403	Carpenter	92005	Elevator Mechanic's Helper	90711
Assistant Monument Restorer	92231	Carriage Upholsterer	90706	EMS Assistant Borough Chief*	00268
Assistant Real Estate Repairer	81706	Cement Mason	92210	EMS Borough Chief*	00269
Assistant Real Estate Repairman	81706	Chauffeur-Attendant	91217	EMS Division Chief*	04763
Assistant Resident Buildings Superintendent	80305	Chief Caretaker (Housing Authority)	81715	EMSS (Level 1)	96321
Assistant Stock Handler	12207	Chief Marine Engineer	91522	EMSS (Level 2)	96322
Assistant Stockman	12205	Chief Marine Engineer (Diesel)	91523	Emergency Medical Specialist - EMT	02220
Associate Park Service Worker	81106	Chief Mate	91526	Emergency Medical Specialist - Paramedic	02240
Auto Lawn Mower Operator	91205	Chief of Hospital Transportation Services	91285	Exterminator	90510
Auto Machinist	92505	City Laborer	90702	Farmer	90714
Auto Mechanic	92510	City Park Worker	90641	First Assistant Marine Engineer (Diesel)	91533
Auto Mechanic (Diesel)	92511	City Parking Meter Service Worker	90642	Flagger	92215
Basin Machine Operator	91206	City Pest Control Aide	90643	Foreman	91310
Blacksmith	92305	Climber and Pruner	81303	Foreman (Exterminators)	90535
Blacksmith's Helper	92306	Coal Handler	12105	Foreman (Highway and Sewer Maintenance)	91311
Boiler Room Operator (Housing Authority)	91619	Coal Passer	91604	Foreman (Highway Maintenance)	91321
Boilermaker	90751	Communication Electrician	91762	Foreman (Sewer Maintenance)	91322
Boilermaker's Helper	90752	Communication Electrician's Helper	91761	Foreman (Traffic Device Maintenance)	90935
Borough Foreman	91340	Construction Laborer	90756	Foreman (Water and Sewer Systems)	91308
Borough Foreman (Highway and Sewer Maintenance)	91341	Core Drill Operator	92410	Foreman (Watershed Maintenance)	91314
Borough Foreman (Highway Maintenance)	91351	Core Drill Operator's Helper	92411	Foreman Asphalt Worker	92470
Borough Foreman (Sewer Maintenance)	91352	Crane Engineman	91607	Foreman Auto Machinist	92571
Borough Foreman (Watershed Maintenance)	91343	Crane Engineman (AMPES)	91611	Foreman Auto Mechanic	92572
Borough Supervisor	91340	Crane Operator	91607	Foreman Blacksmith	92374
Borough Supervisor (Highway Maintenance)	91351	Crane Operator (AMPES)	91611	Foreman Boilermaker	90776
Borough Supervisor (Watershed Maintenance)	91343	Deckhand	91529		
Bricklayer	92205	Deckhand (Tugboat)	91530		
		Deputy City Sheriff	30312		
		Deputy Sheriff	30305		
		Diesel Tractor Operator	91209		
		District Foreman	91325		
		District Foreman (Highway and Sewer Maintenance)	91326		
		District Foreman (Highway Maintenance)	91337		

Physically Taxing Fact Sheet #712 - Page 2



# OFFICIAL LIST OF PHYSICALLY TAXING POSITIONS

Foreman Bricklayer	92271	Glazier	90716	Monument Restorer	92241
Foreman Bridge Painter	91871	Handyman, Grade 1	90717	Mortuary Caretaker	52010
Foreman Bridgeman and Riveter	92372	Handyman, Grade 2	90718	Mortuary Technician	52015
Foreman Cable Splicer	91777	High Pressure Boiler		Motor Grader Operator	91210
Foreman Carpenter	92071	Operator (Floating Equipment)	91632	Motor Vehicle Dispatcher	91219
Foreman Crane Engineman	91612	High Pressure Plant Tender	91650	Motor Vehicle Foreman	91232
Foreman Crane		Highway Repairer	92406	Motor Vehicle Operator	91212
Engineman (AMPES)	91617	Highway Repairer Trainee	92404	Motor Vehicle Supervisor	91232
Foreman Dockbuilder	92072	Horseshoer	92320	Oiler	91628
Foreman Electrician	91769	Horseshoer (Fireman)	92321	Oiler (Portable)	91627
Foreman Elevator Mechanic	90769	Hostler	81901	Oiler (Stationary)	91626
Foreman Furniture Maintainer	92770	Housepainter	91820	Painter	91830
Foreman Furniture		Housesmith	92325	Paramedic Ambulance	
Maintainer (Upholstery)	92771	Housing Caretaker	82009	Corpsman	00224
Foreman Glazier	90778	Housing Exterminator	90511	Park Foreman	81110
Foreman Highway Repairer	92472	Housing Fireman	91619	Park Service Worker	81105
Foreman House Painter	91872	Housing Stock Handler	12213	Park Supervisor	81111
Foreman Lineman	91778	Housing Stock Worker	12203	Parking Meter Collector	41110
Foreman Machinist	92670	Housing Storekeeper	12218	Paver	92420
Foreman of Gardeners	81335	Housing Supply Handler	12208	Pile Driving Engineer	91631
Foreman of Housing Caretakers	82011	Housing Supply Man	12212	Pile Driving Fireman	91632
Foreman of Housing		Keystone Shovel Engineer	91622	Pilot (Tugboat)	91560
Exterminators	90536	Laborer	97053	Pipe Caulker	91910
Foreman of Mechanics	90774	Laborer (City Rent)	41288	Plant Maintainer/Oiler	
Foreman of Mechanics (Motor		Lead Abatement Worker	31311	(Hospitals)	00435
Vehicles)	92570	Line Repairer	91728	Plant Maintainer/Tender	
Foreman of Traffic		Line Repairer's Helper	91729	(Hospitals)	00434
Device Maintainers	90904	Lineman	91728	Plasterer	92235
Foreman Painter	91873	Lineman's Helper	91729	Plasterer's Helper	92236
Foreman Paver	92471	Loader and Handler	54511	Plumber	91915
Foreman Plasterer	92272	Machinist	92610	Plumber's Helper	91916
Foreman Plumber	91972	Machinist's Helper	92611	Principal Mortuary Caretaker	52065
Foreman Roofer	90775	Maintainer (Bridges and		Principal Mortuary Technician	52017
Foreman Sheet Metal Worker	92343	Tunnels)	90807	Principal Park Supervisor	81112
Foreman Ship Carpenter	92073	Maintenance Man	90698	Rammer	92425
Foreman Steam Fitter	91971	Maintenance Worker	90726	Real Estate Repairer	81707
Foreman Water Supply	91313	Marble Setter	92220	Real Estate Repairer (DGS)	82022
Furniture Maintainer (including		Marble Setter's Helper	92221	Real Estate Repairman	81707
all specialties)	92705, 92706, 92709	Marine Engineer	91542	Resident Buildings	
Furniture Maintainer's Helper	92710	Marine Engineer (Diesel)	91543	Superintendent	80310
Garage Foreman	91235	Marine Oiler	91546, 91547, 91548	Rigger	90734
Gardener	81310, 93048	Marine Sounder	91549	Roofer	90735
Gas Fitter	91905	Marine Stoker (Oil Burning)	91553	Rubber Tire Repairer	90736
Gasoline Engineman (Marine)	91536	Marine Stoker	91552	Scowman	91563
Gasoline Engine		Mariner	91501	Second Assistant Marine	
Operator (Marine)	91536	Mason's Helper	92225	Engineer (Diesel)	91566
Gasoline Roller Engineer	91616	Mate	91556	Second Mate	91569
General Mechanic	90715	Mate (Tugboat)	91557	Senior Bridge and	
General Park Foreman	81135	Menagerie Keeper	81910	Tunnel Maintainer	90766
General Superintendent of		Metal Lather	92330	Senior Building Repairer	90777
Repairs to Distribution	91397	Monument Artisan	92230	Senior Building Repairman	90777



# OFFICIAL LIST OF PHYSICALLY TAXING POSITIONS

Senior Deputy Sheriff	30310	Supervising Housing		Supervisor of Mechanics	
Senior Foreman (Exterminators)	90560	Groundsman	81350	(Mechanical Equipment)	92575
Senior Foreman of		Supervising Parking		Supervisor of Mechanics	
Housing Exterminators	90561	Meter Collector	41112	(Motor Vehicles)	92570
Senior Foreman Traffic		Supervising Parking		Supervisor of Menagerie	81960
Device Maintainer	90960	Meter Service Worker	41113	Supervisor of Motor Transport	91279
Senior Garage Foreman	91236	Supervisor	91310	Supervisor of Park Operations	81160
Senior Menagerie Keeper	81935	Supervisor (Exterminators)	90535	Supervisor of Park Operations	
Senior Mortuary Caretaker	52035	Supervisor (Highway and		and Maintenance	81113
Senior Mortuary Technician	52016	Sewer Maintenance)	91311	Supervisor of Tractor Operators	91224
Senior Motor Vehicle Foreman	91233	Supervisor (Highway		Supervisor of Traffic Device	
Senior Motor Vehicle Supervisor	91233	Maintenance)	91321	Maintainers	90904
Senior Sewage Treatment		Supervisor (Sewer Maintenance)	91322	Supervisor Paver	92471
Worker	90767	Supervisor (Water and		Supervisor Plasterer	92272
Senior Supervisor		Sewer Systems)	91308	Supervisor Plumber	91972
(Exterminators)	90560	Supervisor (Watershed		Supervisor Roofer	90775
Senior Supervisor		Maintenance)	91314	Supervisor Sheet Metal Worker	92343
Communication Electrician	91764	Supervisor Auto Machinist	92571	Supervisor Ship Carpenter	92073
Senior Supervisor of		Supervisor Auto Mechanic	92572	Supervisor Steam Fitter	91971
Housing Exterminators	90561	Supervisor Blacksmith	92374	Supervisor Water Supply	91313
Senior Supervisor of Line		Supervisor Boilermaker	90776	Third Assistant Marine Engineer	06253
Repairers and Cable Splicers	91779	Supervisor Bricklayer	92271	Third Mate	06252
Senior Supervisor of		Supervisor Bridge Painter	91871	Tinsmith	92350
Park Operations	81165	Supervisor Bridge		Tractor Operator	91215
Sewage Treatment Worker	90739	Repairer and Riveter	92372	Traffic Device Maintainer	90910
Sheet Metal Worker	92340	Supervisor Cable Splicer	91777	Traffic Enforcement	
Ship Carpenter	92025	Supervisor Carpenter	92071	Agent Level III and IV	7165A, 7165B
Ship Caulker	91920	Supervisor Communication		Water Plant Operator	91010
Sign Painter	91835	Electrician	91763	Watershed Maintainer	91011
Stationary Fireman	91650	Supervisor Crane Operator	91612	Water Tender	91572
Steam Roller Engineer	91655	Supervisor Crane		Wehr Grader Operator	91216
Steam Fitter	91925	Operator (AMPES)	91617	Welder	92355
Steam Fitter's Helper	91926	Supervisor Dockbuilder	92072	Welder (Electric)	92356
Stock Handler	12214	Supervisor Electrician	91769	Well Driver	90748
Stock Man	12210	Supervisor Elevator Mechanic	90769	Window Cleaner	90749
Stock Worker	12200	Supervisor Furniture Maintainer	92770		
Stone Cutter	92240	Supervisor Furniture			
Superintendent of Repairs		Maintainer (Upholstery)	92771		
to Distribution	91376	Supervisor Glazier	90778		
Superintendent of Sewer Service	91367	Supervisor Highway Repairer	92472		
Superintendent of Sewer Systems	91367	Supervisor Line Repairer	91778		
Superintendent of Water and		Supervisor Machinist	92670		
Sewer Systems	91312	Supervisor Painter	91873		
Supervising Ambulance		Supervisor of Housing			
Corpsman	00223	Caretakers	82011		
Supervising EMSS (Level 1)	96331	Supervisor of Housing			
Supervising EMSS (Level 2)	96332	Exterminators	90536		
Supervising Foreman of Cable		Supervisor of Housing			
Splicers and Lineman	91779	Stock Workers, Level I	12204		
Supervising Housing		Supervisor of Ironwork	92376		
Groundskeeper	81350	Supervisor of Mechanics	90774		

\*Note: Only those persons who have served in these titles immediately following their service in other titles which are on the physically taxing list will be entitled to include all their service in the Chiefs titles in computing their years of service for the purpose of early retirement pursuant to Administrative Code 13-162.

## Physically Taxing Fact Sheet #712 - Page 4

## Defining Purchased Service

Purchased Service, commonly referred to as buy-back, is previous full-time or part-time public service that was rendered before you became a member of a public retirement system in New York City or New York State and that has been fully paid for and credited. This brochure describes the benefits and the process for purchasing previous public service.

## Benefits of Purchased Service

**For Tier 3 and 4 members**, except participants of the Transit 25-Year/Age 55 Plan, purchased service may accelerate the cessation of Basic Member Contributions. Basic Member Contributions are no longer required after you have either accumulated 10 years of Credited Service or reached your tenth anniversary of membership in NYCERS.

**In all tiers**, purchasing previous service will generally increase your retirement benefit. For example, the retirement benefit for Tier 4 members in certain plans (62-5, 57-5, and 55-25) who have less than 20 years of Credited Service is calculated at 1.67% of Final Average Salary per year. Upon purchasing enough service to reach 20 years, the percentage increases to 2%.

Purchased service will NOT increase your retirement benefit under your current plan if:

- You are in a special plan that requires "Allowable Service" and the service you wish to buy back is not creditable, such as in the Tier 4 and Tier 6 Transit 25/55 Plan (see your plan brochure to find out if your service is Allowable or Credited). Note, however, that if you cannot meet the service requirements under your current plan, you may purchase service in order to retire under your underlying plan.
- You are in a plan that limits your retirement benefit calculation to a maximum number of years and you have already attained that number of years, or the amount of previous service you wish to buy back will bring your total Credited Service to more than the maximum number of years.

If you are unsure of the rules under your plan, contact NYCERS' Call Center at (347) 643-3000 or visit NYCERS' Walk-in Center at 340 Jay Street in downtown Brooklyn before you apply for buy-back.

**Note:** Purchasing previous public service does not change your membership date. Members who had a prior membership in a New York City or New York State retirement system which was terminated can apply to reinstate that membership. In this case, not only will previous service be credited, but the original date of membership will be restored. Please read Membership Reinstatement Brochure #905 for more information.

## Eligibility

Generally, members must be in active payroll status to be eligible to apply for buy-back. Service is credited only after the completion of two full years of membership service, and must be paid for prior to being credited. Membership service is service rendered in a NYCERS-eligible position while a NYCERS member, transferred service, and purchased military service. Please see the **ESTIMATING COST** and **PAYMENT OPTIONS** sections below for details.

### *The following exceptions apply:*

Members who have left City service with at least two years of membership service but whose memberships have not been terminated may apply for buy-back after leaving City service. Such members may purchase only enough credit to reach the minimum service required to vest or apply for ordinary disability.

Members who are laid off for economic reasons will be deemed to be on payroll for an additional 90 days from the date of layoff in order to purchase service. If you file a buy-back application within 90 days of being laid off, you may purchase as much previous



service as you wish. If you file after the 90-day period, you may buy back only enough service to vest or to apply for ordinary disability provided your claim is received by NYCERS before your membership is terminated. The termination will occur five years after you have left City service if you are not vested. A layoff letter from your employer must accompany your application.

## Service That May Be Purchased

**Tier 1 members** may purchase only New York City service rendered in a NYCERS-eligible title prior to their NYCERS membership.

**Tier 2, 3, 4 and 6 members** may purchase public service rendered in New York City or State in a position that would have been eligible for membership in a New York City or State public retirement system, or in a position that otherwise would have been creditable in such system(s).

**All Tiers:** Members who were in the U.S. Military may be allowed to purchase service for time spent in military service under Federal or State laws. Each law has different provisions for granting service, and you are entitled to receive credit under whatever law provides you with the greatest benefit. Under all provisions, military service must have been satisfactorily completed and a discharge under honorable circumstances received. See Military Buy-back Brochure #902 to determine if you are eligible to purchase credit for your military service.

Generally, service for time spent off payroll, including an approved leave of absence without pay, **cannot** be purchased except:

- (a) **Tier 1, 2 or 3 Uniformed Correction Force only:** Members in Uniformed Correction Force titles may purchase up to one year of service credit for each instance of authorized child care leave. In order to purchase credit for child care leave, you must be in active service and apply within 90 days of termination of the child care leave by filing an Application to Purchase Service for Child Care Leave Form #246, and pay an amount equal to what your required contributions would have been during the child care leave, plus accrued interest.
- (b) **New York City Carpenters and Supervisory Carpenters** who were laid off because of economy measures on or after June 1, 1991 and who returned to service prior to July 1, 1993 may purchase the period of time they were laid off. Such layoff shall not have been longer than 25 months.
- (c) **New York City Parks Department employees** in the title of Climber and Pruner who were laid off because of economy measures on or after July 1, 1991 and who returned to service prior to July 1, 1995 may purchase the period of time they were laid off. The length of layoff service eligible for purchase cannot exceed 25 months.
- (d) **Members employed with the School Construction Authority** who were laid off due to economic measures on or after December 1, 2002 and who returned to service prior to January 8, 2008 may purchase the period of time during which they were laid off.
- (e) **Members of the NYC Department of Correction** who had been suspended for economic reasons on or after May 1, 2003 and returned to service prior to July 1, 2004 may purchase the time spent on suspension.
- (f) **Members of the Uniformed Force of the NYC Department of Sanitation** who were laid off for economic reasons on or after July 1, 1990 and returned to service may purchase the period of time during which they were laid off, not to exceed 33 months.
- (g) **Members of the T25/55 Plan** who were placed on a preferred eligible list during the period between 5/11/2010 and 7/25/2012 by reason of the abolition of their position, may purchase the service for the time period that they were on the preferred eligible list.

**All Tiers:** Service rendered while a member of a retirement system in a state other than New York, or with the Federal government, **cannot** be purchased.

Members on Union Leave and certain members employed by the Triborough Bridge and Tunnel Authority and the NYC Transit Authority who are off payroll receiving Workers' Compensation, are eligible to receive service credit for this time spent off payroll. Although members are required to pay for this service (if contributions are required), it is more akin to a deficit than a buy-back.





## Estimating the Cost

**Tier 3 and 4 members** who have activated their MyNYCERS account and registered their PIN can use the online Buy-Back Calculator to obtain an estimated cost. You can input various dates, salary amounts and other scenarios to compare costs. Keep in mind, though, that these are only estimates. The true cost of purchasing service can be determined only by submitting a buy-back application to NYCERS (see **APPLYING FOR BUY-BACK** below).

**For Tier 1 and 2 members**, the cost to buy back previous service is based on your current earnings.

**For Tier 3, Tier 4, and 22-Year Plan members:** The cost is based on the wages earned during the period claimed, times your Basic Member Contribution (BMC) rate, plus 5% interest, compounded annually. Participants in a Tier 4 Chapter 96 Plan (55/25 plan, only for those with a membership date after July 1, 1993; 57/5 plan) must also pay Additional Member Contributions (AMCs) on wages earned during the period claimed and at the rate in effect during the time being purchased, plus 5% interest, compounded annually. The sooner you apply and pay for previous service, the less interest you will have to pay.

**For Tier 6 Basic Plan and Tier 6 Special Plan members**, the cost is 6% of the wages you earned during the period claimed, plus 5% interest, compounded annually.

## Applying for Buy-Back

NYCERS offers you two ways to apply to purchase previous service:

- 1) Apply online after activating your MyNYCERS account and registering your PIN, or
- 2) Download the application from [www.NYCERS.org](http://www.NYCERS.org) (Form #241) and mail to 30-30 47th Ave., 10th Floor, Long Island City, NY 11101, or bring it to NYCERS' Walk-in Center at 340 Jay Street in downtown Brooklyn. You may also need your agency to fill out Departmental Certificate Form #242.

If you have payroll records – W-2s, salary history, and employment history or roster card – you can speed up the process by providing these documents yourself. Otherwise, upon receipt of your application NYCERS will contact your New York City/State employer(s) to verify your earnings and service history. If the information is not available for any reason, you will be responsible for obtaining the information and submitting it to NYCERS.

NYCERS will review all documents related to your claim, calculate the costs and send you a cost letter describing your payment options. This letter is time-sensitive. Please read it carefully.

**Your buy-back application must be filed before your retirement date or before you leave City service.** If you have been considering buy-back and are approaching retirement, we strongly urge you to file your buy-back application as soon as possible.

## Payment Options

The payment options to purchase previous service are:

- (a) A lump-sum payment, OR
- (b) Payroll deductions, OR
- (c) A direct rollover of funds from a NYC Deferred Compensation Plan or Individual Retirement Account. Rollover instructions are included in the cost letter, OR
- (d) Partial lump-sum payment or rollover combined with payroll deductions.

**Tier 1 and 2 members:** If payment is made through payroll deductions, the amount deducted is based on your current earnings and full rate of contribution for a period equal to the service being purchased.

**Only Tier 3, 4 and 6 members** may elect to change the period of time and/or the dollar amount deducted from their paycheck by submitting a Request to Adjust Payment for the Purchase of Pre-Member or Military Service Form #237.



**Regardless of your Tier, if you do not remit payment or cancel your buy-back application by the time referenced in the cost letter, payroll deductions will begin automatically.** If you elect to purchase your time through payroll deductions and later wish to pay the balance in a lump sum, you may file a Request for a Lump-Sum Payoff Balance for the Purchase of Pre-Member or Military Service Form #240 and a payoff amount will be calculated and sent to you.

**Note:** There is no tax advantage to buying back time through payroll deductions. Unlike current pension deductions, payments for previous service are not eligible for Federal income tax deferral [IRC Section 414(h)]. If you pay for your previous service through payroll deductions, those deductions are subject to Federal, state and local income taxes.

**ANY MONIES PAID OR DEDUCTED FOR THE PURCHASE OF PREVIOUS SERVICE ARE NOT REFUNDABLE.**

## Canceling the Buy-Back

If you wish to cancel your application, you must file a Request to Cancel Application for the Purchase of Pre-Member or Military Service Form #238 prior to the date payroll deductions are scheduled to begin. You may file another application at a later date, but it must be prior to retirement and submitted while on payroll (unless one of the off-payroll exceptions apply). If payroll deductions have begun, you may cancel the deductions by filing a Request to Cancel Current Pre-Member or Military Service Payroll Deductions Form #239. You will receive credit for service you purchased up to the effective cancellation date.

## Receiving Credit for Previous Service

**Tier 1 Members:** Purchased service is credited as you pay for it, whether by payroll deductions or in a lump sum.

**Tier 2, 3, 4 and 6 Members:** Purchased service is credited when the buy-back is paid for **and** you have completed two full years of membership service, which includes service rendered while a NYCERS member, transferred service, and purchased military service.

If you leave City service before paying off the full buy-back amount, you will receive credit for any time already paid in full. You may complete payment on your claimed service later, but it must occur before the termination of your membership or your retirement benefit is finalized.

## Windfall Elimination Provision

Under Social Security regulations, the Windfall Elimination Provision may reduce your Social Security benefits if you are purchasing years of service during which you did not pay the Social Security (FICA) tax. NYCERS cannot advise you on this topic. For more information, visit [www.socialsecurity.gov](http://www.socialsecurity.gov) and download SSA Publication No. 05-10045.





# PROCESSING DEATH BENEFITS

**LAST UPDATE DECEMBER 2009**

## **Does NYCERS have to be notified when a member or retiree dies?**

YES. When a NYCERS member or retiree dies, it is understandably a difficult time for family and friends. Since the family and/or friends are likely to be the intended recipients of death benefits payable from NYCERS, it is important that NYCERS be notified as soon as possible. Notification of a member's or retiree's death triggers a multi-step procedure by NYCERS to process any death benefits payable.

## **Who should notify NYCERS about the death of one of its members or retirees?**

Anyone can notify NYCERS of the death of a member or retiree. Often the surviving spouse, another family member or a friend makes the first contact with NYCERS. If a member dies while still in City service, sometimes the member's employing agency may notify NYCERS.

## **How is NYCERS notified?**

NYCERS can be notified in a few different ways. The fastest method is to complete a simple online form on our website at [www.nycers.org](http://www.nycers.org). You may also contact our Call Center at (347) 643-3000 or visit our Customer Service Center at 340 Jay Street in downtown Brooklyn (an appointment can be scheduled online at [www.nycers.org](http://www.nycers.org)).

## **What type of information does NYCERS need when a death is reported?**

In order to begin the process of identifying the decedent and his or her beneficiary(ies), and determining the death benefits payable, NYCERS will need some general information including:

- ✓ the full name of the decedent
- ✓ the decedent's member number or pension number

- ✓ the last four digits of the decedent's Social Security number
- ✓ the date of death
- ✓ the place of death (City/State/Country)
- ✓ the decedent's address
- ✓ the informant's information
- ✓ the next of kin (including his or her address)

All of this information can be provided when reporting a death online. If you are reporting a death by contacting our Call Center or visiting our Customer Service Center, be sure to have this information readily available.

## **Are any documents required by NYCERS when a death is reported?**

The person doing the reporting -- the informant -- is not required to submit any documentation at the time of reporting the death. However, documentation is required to process any claim for benefits; please see the next question and answer for details on the required documentation.

## **Once a death is reported, what types of documents are required to process a claim?**

A certified Original Death Certificate must be submitted to NYCERS before any benefits are paid to a beneficiary. In addition, one or more of the following documents may be requested as the process unwinds. These documents are typically requested from the designated beneficiary(ies), the executor of the decedent's estate, or the next of kin:

- ✓ Claimants Statement Form (NYCERS will send this to the beneficiary, executor of the estate or next of kin)
- ✓ Rollover Letter (a payment election letter sent by NYCERS which contains options for the disbursement of the death benefit, e.g., lump sum, rollover, etc.)

**Processing Death Benefits #702 - Page 1**



- ✓ Tax Forms
- ✓ Tax Waiver
- ✓ Letters of Administration (if applicable, issued by the Surrogate's Court of the county in which the deceased pensioner resided).
- ✓ Guardianship papers
- ✓ Power of Attorney
- ✓ Vital Records (e.g., Social Security Card)

### **What is the procedure after NYCERS has been notified of a death?**

The informant will receive an acknowledgement letter that explains the next step in the process. The letter may request the Death Certificate (if one hasn't already been filed) or request other information necessary to continue the member/retiree identification process. Once NYCERS identifies the member/retiree, a review of his or her retirement account is commenced to ascertain his or her retirement plan and the death benefit(s) payable under such plan.

The next step is identifying the designated beneficiary(ies) and attempting to contact him or her. Remember, the beneficiary may or may not be the person who reports the death to NYCERS.

If the informant is not one of the designated beneficiary(ies) on file with NYCERS, then all subsequent communication will be to the beneficiary(ies).

The length of time to identify a designated beneficiary depends on whether the deceased member/retiree had filed a Designation of Beneficiary(ies) form with NYCERS, whether or not the beneficiary names and addresses were kept current, and how soon the beneficiary(ies) responds to inquiries from NYCERS.

### **How long does it take to process benefits?**

The time it takes to process a claim largely depends on how soon all of the verification procedures are completed by NYCERS and how soon the required forms are properly completed by the beneficiary(ies) and filed with NYCERS.

In the case of the death of an active member (a NYCERS member who died while still employed in City service), a

letter notifying all Designated Beneficiary(ies) of the benefit amount will be mailed no later than 75 days after NYCERS receives the certified Death Certificate. Payment of a benefit is then generally made within 45 days of NYCERS' receipt of the completed claim form.

In the case of the death of a NYCERS retiree, the process generally takes 90 days. The 90 days is from the point of sending an acknowledgement letter to the beneficiary, and receiving the death certificate and claim form, to paying the benefit to the beneficiary and/or survivor in the case of a benefit payable under an option selection.

# Loan Reduction Factors For 2020 Retirements



**NYC EMPLOYEES'  
RETIREMENT SYSTEM**

Tier 3, 4, and 6

February 2020

An outstanding loan at retirement will permanently reduce your retirement benefit. The amount of the reduction in your benefit depends on the date of your retirement, your age at retirement, the size of the loan, and whether you are in a Uniformed title (Correction or Sanitation members) or a Non-Uniformed title.

The chart below illustrates the benefit reduction in dollars for every \$1,000 of an outstanding loan, based on a table of factors used for 2020 service retirements from January 1, 2020 to December 31, 2020 for Uniformed and Non-Uniformed titles.

On each chart, locate your age at retirement and multiply the amount in the corresponding box by how many \$1,000's of loan dollars are still unpaid.

**Example:** Age 61 (Non-Uniformed) with a \$10,000 outstanding loan  
 Age 61 (Non-Uniformed) = \$55.75 per \$1,000 of loan  
 Multiply that by 10 (for the \$10,000 loan)  
 $\$55.75 \times 10 = \$557.50$   
 Your annual Maximum Retirement Allowance will be reduced by \$557.50.

2020 Outstanding Loan Reduction Factors					
Age at Retirement	Annual Reduction per \$1,000 of Loan		Age at Retirement	Annual Reduction per \$1,000 of Loan	
	2020 Non-Uniformed	2020 Uniformed		2020 Non-Uniformed	2020 Uniformed
40	37.29	37.72	58	51.90	52.77
41	37.83	38.28	59	53.11	54.02
42	38.39	38.86	60	54.40	55.34
43	38.97	39.47	61	55.75	56.75
44	39.58	40.10	62	57.18	58.22
45	40.22	40.75	63	58.69	59.78
46	40.89	41.44	64	60.30	61.44
47	41.59	42.16	65	62.01	63.21
48	42.32	42.91	66	63.85	65.11
49	43.09	43.71	67	65.82	67.14
50	43.91	44.55	68	67.94	69.33
51	44.77	45.44	69	70.23	71.69
52	45.66	46.36	70	72.73	74.27
53	46.59	47.33	71	75.45	77.08
54	47.56	48.33	72	78.39	80.13
55	48.58	49.37	73	81.59	83.43
56	49.64	50.45	74	85.06	87.05
57	50.74	51.58	75	88.88	91.02

Loan Reduction Factors #714



340 Jay Street, Brooklyn, NY  
Mezzanine level



[www.nycers.org](http://www.nycers.org)



(347) 643-3000



30-30 47th Avenue, 10th Floor  
Long Island City, NY 11101

NYCERS WALK-IN and CALL CENTER Hours: Monday & Wednesday 8 am – 6 pm | Tuesday & Thursday 8 am – 5 pm | Friday 8 am – 3 pm

# Earnings Limitations for Service Retirees



NYC EMPLOYEES'  
RETIREMENT SYSTEM

All Tiers

October 2020

Service retirees who are returning to public service within New York City or New York State may be subject to earnings limitations. In general, Sections 211 and 212 of the New York State Retirement and Social Security Law (RSSL) govern re-employment by service retirees and earnings limitations based on various factors such as the source of income (public, private, or public benefit corporation), a retiree's age, and the issuance of a waiver (RSSL §211 only).

## New York State Retirement and Social Security Law §211

This section covers service retirees hired for "hard-to-fill" positions. To be covered under RSSL §211, your prospective employer must obtain a waiver from an authorized agency; for most City agencies, the Department of Citywide Administrative Services issues "211 waivers." Service retirees must submit a copy of the 211 Waiver to NYCERS. The amount you may earn while employed by your former employer\* without loss, suspension or diminution of your retirement allowance is the difference between:

1. the maximum pension portion of your retirement allowance (plus cost-of-living adjustments); and
2. the salary on which your retirement allowance was based or the maximum salary you currently would be receiving in the position from which you last retired if you had not retired, whichever is greater.

**\*There are no earnings limitations under Section 211 for retirees who are hired by a different employer. Note: The City of New York is considered a single employer. Therefore, if you retired from one City agency and are considering working for a different City agency, it is generally considered the same employer under RSSL Section 211. If you have questions about whether your new employer is a public employer, contact NYCERS' Call Center at (347) 643-3000.**

## New York State Retirement and Social Security Law §212

Under RSSL §212, if you are under age 65 and return to public service or are elected or appointed to any public office within New York City or New York State, you are subject to earnings limitations. In the year 2020 and thereafter, the amount you may earn without loss, suspension or diminution of your retirement allowance is \$35,000 (subject to change by an act of the NYS Legislature). If your earnings exceed \$35,000 in a calendar year, your pension will be suspended for the remainder of that calendar year.

***There are no earnings limitations if you are at least age 65 OR if you work for:***

- The private sector
- The Federal government
- A public agency in another state or municipality outside of New York State
- A public agency in New York City or New York State, but only if you retired from the NYC Transit Authority

There are no earnings limitations if you return to work at a public benefit corporation (such as the NYC Health & Hospitals Corporation, the NYC Transit Authority, the NYC Off-Track Betting Corporation, etc.). However, each agency has its own policy about re-employing service retirees so you should contact the agency directly for more information.

**You must file a form (Form #353) with NYCERS electing to have the provisions of RSSL §212 apply. If you do not file such form, you are subject to an earnings limitation of no more than \$1,800 per year, including any pension earned.** You only need to file Form #353 once to be covered by the provisions of RSSL §212. If you are returning to public service within New York City or New York State and you are over age 65, you must file Form #353 even though you are not subject to earnings limitations.

Pursuant to Civil Service Law §150, if an elected official retires and accepts appointment, is re-elected, or takes a new oath of office to the same elective public office from which they retired, they are subject to the earnings limitations in RSSL §212 (if they file Form #353) even if they are over age 65.

## Membership in a New York City or New York State Public Retirement System

If you return to City service in a NYCERS-eligible position, you have 90 days from the date of appointment to rejoin NYCERS if you wish to become a member again. If you do not, you will not be eligible to rejoin for the entire period of your post-retirement employment. In addition, you get no credit for any service rendered after returning.



# Earnings Limitations for Disability Retirees



**NYC EMPLOYEES'  
RETIREMENT SYSTEM**

All Tiers

October 2020

If you are covered by RSSL §§211 or 212 and wish to join a public retirement system, you must first withdraw from coverage. If you join another system, the pension portion of your retirement allowance is suspended for the entire period of your membership. Various laws and NYCERS' Rules govern post-retirement earnings limitations for disability retirees. This brochure details such limitations. Please refer to the section of this brochure applicable to your tier.

## Tiers 1 And 2

**Limits before attaining service retirement age - Section 13-171 of the NYC Administrative Code** provides that a disability retiree may receive income from employment in the **private** sector or the **public** sector if they have not yet met the age requirement (service requirement for retirees of a special plan which permits retirement without regard to age) under their retirement plan. The amount a pensioner may earn is the difference between the maximum current salary of the next higher title from that which they retired, and the **maximum** pension portion of their retirement allowance.\*

**Limits After Attaining Service Retirement Age** - Once a disability retiree attains the minimum age requirement (service requirement for retirees of a special plan which permits retirement without regard to age) for their retirement plan, **Section 1117 of the NYC Charter** governs post-retirement public employment. Section 1117 provides that a retiree's pension must be suspended if their total pension and earned income from the **City, State or a municipality within New York State** exceeds \$1,800 in any year.\*\* NYC Transit retirees are not subject to this limitation. **Income from Public Benefit Corporations or the private sector is exempt from the \$1,800 limitation in the NYC Charter.**

## Tiers 3, 4 And 6

Tier 3, 4 and 6 disability retirees are generally subject to post-retirement earnings limitations. The extent to which these limitations apply depends on the specific law under which you retired. The following table shows the limitations under each law. If you do not know the disability law you retired under, refer to your Retirement Resolution or data sheet which was given to you at retirement.

NYS Retirement & Social Security Law (RSSL) Section(s)	Earnings Limitations
Dual Purpose Disability Statutes for Tier 4 and Tier 6 Members, and Tier 3 Uniformed Corrections (605 & 507-a) Public & ***Private employment <b>anywhere</b>	<b>\$31,800 for 2019</b> (will change annually based on the Consumer Price Index) Exceeding this earnings limitation will result in the suspension of your pension for 12 months
Accidental Disability for Tier 4 and Tier 6 Uniformed Sanitation (605-b)	Tiers 1 & 2 safeguards apply (See Tiers 1 & 2 section)
Line-of-Duty Disability for Tier 3 Uniformed Corrections (507-c) Line-of-Duty Disability for Tier 4 and Tier 6 Emergency Medical Technicians (607-b) Accidental Disability for Tier 4 and Tier 6 Deputy Sheriffs (605-c) Tier 3 General Members and 22-Year Plan [506 (Ordinary), 507 (Accidental)] Public employment <b>within NYS only</b>	\$1,800 (including any pension earned) per Section 1117 of the NYC Charter
Line-of-Duty Disability for Tier 3 Uniformed Corrections (507-c) Line-of-Duty Disability for Tier 4 and Tier 6 Emergency Medical Technicians (607-b) Accidental Disability for Tier 4 and Tier 6 Deputy Sheriffs (605-c) Tier 3 General Members and 22-Year Plan [506 (Ordinary), 507 (Accidental)] ***Private employment <b>anywhere</b> & Public employment <b>outside of NYS</b> after attaining age 65.	NO LIMITATION (please see below income limitation under RSSL §507(d) prior to attaining age of 65)
TRANSIT RETIREES ONLY (Retired under RSSL §§ 506, 507, 605) Public & ***Private employment <b>anywhere</b>	NO LIMITATION

### Income limitations pursuant to RSSL §507(d)

The income limitations specified in RSSL §507(d) apply to Tier 3 General Members and, CO-20, CF-20, CC-20, 22-Year Corrections, and 22-Year Corrections Enhanced Disability Benefit Members.

Pursuant to RSSL §507(d), even if a retiree's disability benefit from NYCERS is not based on a finding of disability from the Social Security Administration (SSA), the retiree is subject to the same income limitations as if they were a recipient of Social Security Disability benefits from the SSA. These income limitations are applied up until the retiree reaches age 65. The income limitations under RSSL §507(d) apply for Private employment anywhere & Public employment outside of NY State.

The income limitations for year 2020 are as follows:

### Monthly substantial gainful activity amounts by disability type

Year	Blind	Not Blind
2020	\$2,110	\$1,260

If a retiree exceeds the income limitations in any given year up to attaining age 65, the retiree must be placed on a preferred list with the New York City Department of Citywide Administrative Services. The retiree's placement should be based on the positions the retiree is qualified for in a salary grade not to exceed that from which the person retired. NYCERS will continue paying the disability pension benefit until the retiree is picked up off a preferred list. If the retiree is picked up off the list and either takes the position or refuses the position, NYCERS must cease paying the disability pension.

The income limitations specified in RSSL §507(d) apply to 22-Year Corrections and 22-Year Corrections Enhanced Disability Benefit Members who retire for accidental disability under §507 only after a medical examination takes place and a retiree is no longer found to be disabled.

\*Exceeding earnings limitations under Section 13-171 will result in the suspension of your pension for the remainder of that calendar year.

\*\*Since the pension and earned income are added together to compare to the \$1,800 limit most pensioners will exceed this limit once they start working. The pension will remain suspended for as long as you continue to work.

\*\*\*Employment with a Public Benefit Corporation in NYS is considered Private Employment.





## Maximum Compensation Limit under IRC 401(a)(17) for 2019 and Prior Retirements, As Applicable

All Tiers

July 2019

The Omnibus Budget and Reconciliation Act of 1993 (OBRA '93) reduced the maximum compensation limit under IRC 401(a)(17) for employees of the private sector. After a transition period the compensation limit was extended to include eligible participants of governmental state and local plans.

OBRA '93 reduced the Compensation Limit under IRC 401(a)(17) from \$235,840 to \$150,000 for employees of private sector Qualified Plans effective for plan years beginning in 1994. The Compensation Limit under IRC 401(a)(17) for plan years beginning in 1993 was \$235,840. The \$150,000 Compensation Limit under IRC 401(a)(17) is adjusted annually for cost-of-living increases in accordance with IRS guidelines.

While OBRA '93 reduced the Compensation Limit for the private sector for plan years beginning after December 31, 1993, it provided a "Transitional Rule" for "eligible participants" of governmental state and local plans.

An eligible participant for this purpose is defined as any individual who first became a participant in the plan prior to the first plan year beginning after December 31, 1995.

Therefore, the NYCERS members who joined the retirement system prior to July 1, 1996 (first plan year beginning after 12/31/1995) are exempt from the OBRA '93 Compensation Limit reductions and are "grandfathered" in the Compensation Limit rules that were in effect as of July 1, 1993 as escalated to the date of benefit determination.

However, members who first joined the plan on or after July 1, 1996 are not eligible for the "grandfathered" Pre-OBRA '93 Compensation Limit and are subject to the private sector reduced Compensation Limit under OBRA '93 as escalated to the date of benefit determination.

Please note that the Compensation Limits under IRC 401(a)(17) are adjusted annually by the IRS effective as of January 1.

IRS Regulation 1.401(a)(17) – 1(b)(3)(ii) provides that for plans that determine compensation used in determining benefit accruals on the basis of compensation for a 12-consecutive-month period or periods, the annual Compensation Limit to be applied to the compensation for each of those periods is the Compensation Limit in effect for the respective calendar year in which each 12-month period begins.

Therefore, any Compensation Limit under IRC 401(a)(17) as adjusted for cost-of-living is to be applied to the compensation in each 12-month period in the member's Final Average Salary period and is based on the respective IRC 401(a)(17) Compensation Limit in effect at the beginning of each respective 12-month period.

For example, the annual Compensation Limit for 2019 which became effective as of January 1, 2019 is to be applied to the compensation for any 12-month period beginning in 2019.

The Compensation Limits for 2019 are \$280,000 for non-grandfathered members of the NYCERS and \$415,000 for grandfathered members of the NYCERS.

Maximum Compensation Limit under IRC 401(a)(17) -- #727 - Page 1



The Compensation Limits under IRC 401(a)(17) as adjusted for cost-of-living are also to be applied to any required member contribution during a calendar year so that the member is not charged contributions for any compensation in excess of the respective calendar year Compensation Limit.

The effective grandfathered (Pre-OBRA '93) and OBRA '93 Compensation Limits since 1996 are presented below:

### COMPENSATION LIMITS

Calendar Year	Grandfathered	OBRA '93
1996	\$250,000	\$150,000
1997	260,000	160,000
1998	265,000	160,000
1999	270,000	160,000
2000	275,000	170,000
2001	285,000	170,000
2002	295,000	200,000
2003	300,000	200,000
2004	305,000	205,000
2005	315,000	210,000
2006	325,000	220,000
2007	335,000	225,000
2008	345,000	230,000
2009	360,000	245,000
2010	360,000	245,000
2011	360,000	245,000
2012	375,000	250,000
2013	380,000	255,000
2014	385,000	260,000
2015	395,000	265,000
2016	395,000	265,000
2017	400,000	270,000
2018	405,000	275,000
2019	415,000	280,000

Note: Wages in excess of the annual salary paid to the Governor of the State of New York are excluded from wages used in the calculation of the Final Average Salary for Tier 6 Basic (63/10) and Tier 6 Special Plan members. The Governor's salary for calendar year 2019 is \$200,000.



# How to Register for MyNYCERS



NYC EMPLOYEES'  
RETIREMENT SYSTEM

March 2020



MyNYCERS is your secure online portal to your NYCERS pension account. A new enhanced version is now available with many new features and applications you can file online. Follow the steps below to sign up for the new MyNYCERS. It's fast, easy, and secure.

## Step 1 – Go to [www.MyNYCERS.org](http://www.MyNYCERS.org)

**Note:** If you registered for MyNYCERS in the past, you will need to re-register on the new site.

Once the page is open, click the **Register** button to begin.

## Step 2 – Tell us who you are

Enter your First and Last Name (exactly as they appear in NYCERS records), Social Security Number, and Date of Birth. After reviewing and agreeing to the Terms & Conditions, click **Next**.

## Step 3 – Verify your Identity

You will be asked three questions which will help NYCERS positively identify you. Answering incorrectly will trigger an additional two questions which must both be answered correctly in order to continue. These questions are provided by a third party source to verify your identity and protect your account.

**Step 4 on next page...**





**MyNYCERS Registration**

Email Address

Mobile Phone

User Name

Password

Cancel Sign Up

## Step 4 – Create your Login Credentials

Enter a valid Email Address, Mobile Phone, User Name and Password. User Name must be in the form of an email address. Password must be at least 8 characters, including one capital letter, one number and one special character (!, @, #, \$, %). To prevent errors, you will be asked to enter your password twice. Click **Sign Up** when complete.

## Step 5 – Log In

Click the button to **Log In** and complete your account registration.

**MyNYCERS Registration**

**Your MyNYCERS account registration is almost complete.**

A welcome email has been sent to email@provider.com.

To complete registration, log in now and follow the two-factor authentication instructions.

Log In

**Two-Factor Authentication**

**Verify Your Identity**

To access your MyNYCERS account, enter the verification code sent to you via SMS or Email.

Previous Next

## Step 6 – Two-Factor Authentication

To complete registration, members are required to verify their identity using two-factor authentication. You can choose to have the verification code sent to the email address or mobile number you provided in Step 4.





## **MAIL**

30-30 47th Ave., 10th Floor  
Long Island City, NY 11101

## **CLIENT SERVICES**

### **Walk-in Center**

340 Jay Street, Mezzanine Level,  
Brooklyn, NY 11201

### **Call Center**

(347) 643-3000  
1-877-6NYCERS  
347-643-3501 - TTY (hearing impaired)

### **Business Hours**

Monday & Wednesday 8 am - 6 pm  
Tuesday & Thursday 8 am - 5 pm  
Friday 8 am - 3 pm

## **WEBSITE**

[www.nycers.org](http://www.nycers.org)

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