

Triborough Bridge and Tunnel Authority 20-Year/Age 50 Retirement Plan (6TB-20)

Tier 6



NYC EMPLOYEES' RETIREMENT SYSTEM

May 2023

This brochure describes the obligations and benefits of the Triborough Bridge and Tunnel Authority (TBTA) 20-Year/Age 50 Retirement Plan for Tier 6 members (6TB-20 Plan) This plan allows participants to retire upon attaining age 50 with 20 years of Credited Service. The 6TB-20 plan is available **ONLY** to those employed in a TBTA Eligible Position.

A TBTA Eligible Position is one held by a Tier 6 member who is employed as a TBTA Bridge and Tunnel Officer, Sergeant or Lieutenant in a non-managerial position.

PARTICIPATION

Participation is mandatory for any person who becomes employed in a TBTA Eligible Position and joins NYCERS on or after April 1, 2012.

ONCE AN ELECTION TO PARTICIPATE IN THE 6TB-20 PLAN IS FILED WITH NYCERS, IT MAY NOT BE REVOKED.

Participants who cease to hold a TBTA Eligible Position will no longer be able to participate in the 6TB-20 Plan.

Participants who terminate service from a TBTA Eligible Position and return to a TBTA Eligible Position at a later date will again be required to participate in the 6TB-20 Plan.

BASIC MEMBER CONTRIBUTIONS (BMCs)

Participants in the 6TB-20 Plan who join NYCERS between April 1, 2012 and March 31, 2013, are required to contribute BMCs equal to 3% of pensionable gross wages until a new contribution structure took effect on April 1, 2013. Beginning April 1, 2013, the BMC rate for all 6TB-20 Plan members is dependent upon annual wages* earned during a **plan year** according to the schedule in the table below.

Annual Wages Earned During Plan Year	Contribution Rate
Up to \$45,000	3%
\$45,001 to \$55,000	3.5%
\$55,001 to \$75,000	4.5%
\$75,001 to \$100,000	5.75%
Greater than \$100,000	6%

If you joined NYCERS prior to November 20, 2015, a **plan year** was defined as the period from April 1st to March 31st. During the first three plan years of membership (or the first three plan years beginning 4/1/13 if you joined NYCERS between 4/1/12 and 3/31/13), NYCERS uses a projection of your annual wages to determine your BMC rate (Projected Wage Method). For your fourth plan year and each plan year thereafter, NYCERS uses

your gross wages earned two plan years prior to determine your BMC rate (Actual Wage Method).

Chapter 510 of the Laws of 2015, signed on November 20, 2015, changed the plan year definition to a calendar year (1/1 to 12/31). For that reason, if your membership date falls between 4/1/12 and 3/31/14, the Actual Wage Method will be applied for the plan year 1/1/17-12/31/17. See the last page for a chart illustrating the application of each method based on hypothetical wages.

BMCs are held in the Member Contribution Accumulation Fund (MCAF) and must be contributed until you separate from City service or retire. BMCs are not required on **non-pensionable** earnings (see wage exclusions in Final Average Salary section).

* Chapter 56 of the Laws of 2022 (Budget Bill: Part SS), effective April 01, 2022, excludes pensionable earnings above the annual base wages, such as overtime payments, for purposes of calculating Basic Member Contribution (BMC) rates for the period of 4/1/22 through 12/31/24.

ADDITIONAL MEMBER CONTRIBUTIONS (AMCs)

As a member of the 6TB-20 Plan you are also required to contribute Additional Member Contributions (AMCs) at one of the following rates:

*TBTA Officers: 5.5% of gross wages, excluding **non-pensionable** earnings (see Final Average Salary section)

*TBTA Sergeants or Lieutenants: 6% of gross wages, excluding **non-pensionable** earnings

AMCs must be paid on all gross wages earned from service rendered in a TBTA Eligible Position and are required to be made until the later of (1) 20 years of Credited Service in a TBTA Eligible Position, or (2) the third anniversary date of participation in the TBTA 20/50 Plan.

AMCs are maintained in the Retirement Reserve Fund (RRF). Payment of AMCs is required until a participant has rendered 20 years of Credited Service in a TBTA Eligible Position or retires, whichever occurs first.



BMCs and AMCs are Federal tax-deferred, meaning that you do not pay Federal taxes on the contributions, only New York State and local taxes. Note, however, that contributions made while on Union Leave are **not** Federal tax-deferred.

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

DEFICITS

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

If there is an unresolved BMC deficit at retirement in the MCAF account only, NYCERS will notify the member of the choice to either pay the deficit in full or apply an actuarial reduction (a lifetime reduction to your pension based on your deficit amount) to resolve the deficit.

In the event of a deficit at retirement in the RRF account (AMCs), **participants may not retire until the deficit is paid in full.**

LOANS

6TB-20 Plan participants may borrow up to 75% of the BMCs held in the MCAF account and up to 75% of the AMCs held in the RRF account. Any loans taken are subject to the same terms and conditions applicable to Tier 4 members. Please consult Loans Brochure #911 for additional information.

REFUNDS

6TB-20 Plan participants who have rendered less than 10 years of Credited Service and who leave City service may apply for a refund of BMCs, plus accrued interest, effectively terminating their membership. Refunds will be reduced by the present value of any loan. Refunds of BMCs are not possible for members with 10 or more years of Credited Service except in cases of a participant's death.

Participants who cease to hold a TBTA Eligible Position for any reason whatsoever and who have rendered less than 15 years of Credited Service in a TBTA Eligible Position have the option of withdrawing their AMCs, plus accrued interest. AMCs may also be withdrawn if a participant with less than 15 years of Credited Service in a TBTA Eligible Position changes titles to a non-TBTA Eligible Position and remains in City service. After receiving the refund of AMCs, such participant will no longer be entitled to a benefit under the 6TB-20 Plan but may be entitled to a benefit from the Tier 6 Basic Plan (assuming service requirements have been met).

If participants cease to be employed in a TBTA Eligible Position, withdraw their AMCs (and accrued interest), and later become

a participant again, they will be required to repay the AMCs refunded to them, including statutory interest at a rate of 5% compounded annually.

You must be **off payroll** for thirty (30) or more days to qualify for a refund. If your agency records indicate that you are on a leave of absence with or without pay, you are **not** eligible for a refund.

Withdrawal of BMCs or AMCs will trigger a Federal tax liability and may result in an early distribution tax penalty.

If you do not return to City service within five years, you can withdraw your contributions or membership is automatically terminated.

BUY-BACK

6TB-20 Plan members may purchase previous public service rendered anywhere in New York City or New York State. The cost is 6% of the wages earned during the period they are buying back, plus 5% interest compounded annually from the date of their previous service until the date of payment.

6TB-20 plan members will also be charged AMCs, plus interest, for prior service rendered in a special plan title.

MILITARY BUY-BACK

Federal and state laws allow members to purchase service credit for time spent in U.S. Military service – the Uniformed Services Employment and Reemployment Rights Act (USERRA) and Article 20 of the New York State Retirement and Social Security Law (RSSL), respectively. Under Article 20, the cost is 6% *times* the number of years of military service being purchased *times* the salary they earned during the 12 months prior to the date of their application. Under USERRA, the cost is the equivalent of the contributions required if they had never left for military service. No interest is charged on military buy-back.

VESTED RETIREMENT BENEFIT

If a participant leaves City service with at least five, but less than 20 years of Credited Service (at least two years of which must be Membership Service), and their contributions have not been returned to them, they are entitled to a Vested Retirement Benefit that becomes payable at age 63.

The Vested Retirement Benefit is calculated using the following formula:

$2.5\% \text{ times Final Average Salary (FAS) times the number of years of Credited Service.}$

SERVICE RETIREMENT BENEFIT

Participants in the 6TB-20 Plan are eligible to receive a Service Retirement Benefit upon attaining age 50 with 20 or more years of Credited Service. The Service Retirement Benefit is



calculated using the following formula:

- 50% of Final Average Salary (FAS) for the first 20 years of Credited Service, **plus**
- 1.5% *times* FAS times the number of years of Credited Service in excess of 20, up to a maximum of 30 years.

When you file your service retirement application, NYCERS strongly encourages you to select an “Interim Option” on the application. This precautionary measure enables you to leave some form of pension payment to a beneficiary should you die before a final option selection is made and your pension is finalized.

UNDERLYING PLAN

Retirement Under 63/5 Plan:

Participants in the 6TB-20 Plan, including vested members who have left City service, who joined NYCERS on or after April 1, 2012, may retire from the 63/5 Plan whether or not the Participant has satisfied the 20 year service requirement. All requirements and benefits of the 63/5 Plan will apply, including, except in the case of vested members, the ability to retire prior to age 63 with a benefit reduction.

FINAL AVERAGE SALARY (FAS)

FAS is defined as the average of wages earned by a member during any continuous period of employment for which the member was credited with five years of service. However, wages earned during any year used in an FAS calculation cannot exceed the average of the previous four years by more than 10%.

If a participant has less than nine years of service, any year without actual earnings will be calculated using projected salaries, in order to apply the earnings limitations.

Some wages are excluded from the FAS calculation. The Tier 6 definition of wages includes an “overtime ceiling,” which limits overtime compensation for pension purposes to no more than \$19,729 for 2023; this amount is indexed annually according to the Consumer Price Index. Any overtime compensation earned in excess of the overtime ceiling is excluded from the FAS calculation. Overtime compensation is compensation paid at a rate greater than the standard rate.

The definition of wages also excludes:

1. Wages in excess of the annual salary paid to the Governor of the State of New York;
2. Lump-sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked;
3. Any form of termination pay;
4. Any additional compensation paid in anticipation of retirement; and
5. In the case of employees who receive wages from three or more employers in a 12-month period, the wages paid by the third and each successive employer.

DISABILITY RETIREMENT

As a 6TB-20 member, participants are eligible for a Disability Retirement Benefit at any age if they have 10 or more years of Credited Service and NYCERS’ Medical Board determines that they are physically or mentally incapacitated to perform their job duties and were so incapacitated at the time they ceased performance of their duties.

If participants have less than 10 years of Credited Service, they are eligible to receive a Disability Retirement Benefit if NYCERS’ Medical Board determines that they are physically or mentally incapacitated to perform their job duties AND their disability is the result of an accidental injury sustained in the performance of their duties, and not caused by their own willful negligence.

The Disability Retirement Benefit is equal to the greater of:

- 1/3 of your FAS; **OR**
- 1 2/3% *times* FAS times years of Credited Service; **OR**
- If you are eligible for a service retirement, your Service Retirement Benefit.

SURVIVOR BENEFITS

In the event of a participant’s death prior to retirement, their NYCERS membership entitles their beneficiaries to a death benefit. There are two primary types of death benefits – Ordinary Death Benefits and Accidental Death Benefits

An Ordinary Death Benefit (ODB) is a lump-sum benefit payable to your beneficiary/beneficiaries if you die while in active service, before retirement, whether or not death occurs as the result of an accident sustained on the job.

An ODB will be paid only if:

- a) You were being paid on payroll at the time of your death; **-- OR --**
- b) You were off payroll or you were on an authorized leave without pay at the time of your death; **AND**
 1. You were on payroll, in service, and paid within the last 12 months before death; **AND**
 2. You were not gainfully employed since last on the payroll; **AND**
 3. You had credit for one or more years of continuous service since you last entered the service of your employer.

The ODB payable is a multiplication of your salary as indicated below:

- If you have at least one, but less than two years of service, a lump-sum benefit equal to one year’s current salary
- If you have at least two, but less than three years of service, a lump-sum benefit equal to two times current salary
- If you have at least three years of service, a lump-sum benefit equal to three times current salary.



The benefit is reduced for each year a member remains in active service beyond age 60.

Your beneficiary/beneficiaries will also receive a refund of your BMCs plus earned interest, and a refund of your AMCs if you rendered less than 15 years of Credited Service in a TBTA Eligible Position, plus earned interest.

If you have at least 10 years of Credited Service, are awaiting payability of a Vested Retirement Benefit, and die prior to age 63, your beneficiaries will receive a lump-sum death benefit based on 50% of the ODB that would have been payable if you had died on your last day in active service, plus the refund of your BMCs plus interest. If you die prior to having 15 years of Credited Service in a TBTA Eligible Position and attaining age 63, AMCs plus interest will be refunded as well.

An Accidental Death Benefit (ADB) is payable to Eligible Beneficiaries, who are defined in law. Eligible Beneficiary/Beneficiaries will receive an ADB if NYCERS' Medical Board determines that your death was the result of an accident sustained in the performance of your duty, not caused by your own negligence, or while in military service.

The annual benefit equals 50% of the wages you earned during your last year of service, or your annual wage rate if you had less than one year of service. Your BMCs are not refunded to your beneficiaries, but your AMCs will be refunded if you died prior to attaining 15 years of Credited Service in a TBTA Eligible Position.

A state-funded Special Accidental Death Benefit is also payable to the widow/widower, or if there is no widow/widower, the children of the deceased (under 18 years of age or under the age of 23 if a student) or, if there are no eligible children, the parents of the deceased. The Special Accidental Death Benefit is a monthly payment separate from the Accidental Death Benefit. This benefit is in addition to the Accidental Death Benefit and brings the total Accidental Death Benefit to a pension equal to 100% of your salary.

Projected Wage Method (First 3 Plan Years Only)			
	1 st Plan Year	2 nd Plan Year	3 rd Plan Year
Projected Annual Salary	\$70,000	\$70,000	\$70,000
Rate Based on Projected Annual Salary	4.5%	4.5%	4.5%
Actual Wages Earned in Plan Year	\$72,000	\$72,500	\$76,000
Contributions Made in Plan Year	\$3,240 (4.5% of \$72,000)	\$3,263 (4.5% of \$72,500)	\$3,420 (4.5% of \$76,000)
Actual Wage Method (4 th Plan Year and thereafter)			
	4 th Plan Year	5 th Plan Year	
Actual Wages Earned in Plan Year	\$80,000	\$82,500	
Rate Based on Actual Wages Earned Two Plan Years Prior to the Current Plan Year	4.5%	5.75%	
Contributions Made in Plan Year	\$3,600 (4.5% of \$80,000)	\$4,744 (5.75% of \$82,500)	

