State and Federal Legislation Committee Staff

Jayasri Ganapathy, *Senior Legislative Counsel*

Wiam Diouri, *Legislative Policy Analyst*

Hector German, *Economist*



## THE COUNCIL OF THE CITY OF NEW YORK

# **BRIEFING PAPER OF THE GOVERNMENTAL AFFAIRS DIVISION**

**Andrea Vazquez, Legislative Director**

**Rachel Cordero, Deputy Director**

**COMMITTEE ON STATE AND FEDERAL LEGISLATION**

#### Hon. Shaun Abreu, Chair

#### May 19, 2022

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|  | By Council Member Abreu |
| **SLR # 0004-2022:** | S.6988-B (Gounardes)A.7962A (Abbate) |
| **TITLE:**   | AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors |

1. **BACKGROUND**

 On May 19, 2022, the Committee on State and Federal Legislation, chaired by Council Member Shaun Abreu, held a vote on SLR 4, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6988-B, and Assembly Members Abbate, Griffin, A.7962-A, "AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors". The State Legislation Resolution passed with 5 votes in the affirmative, 0 vote in the negative, and 0 abstentions.

 While New York City fire protection inspectors and associate fire protection inspectors hold important roles in inspecting and ensuring compliance with the fire code, currently, they do not qualify for the same benefits as other uniformed employees. This bill would provide uniformed fire service personnel the opportunity to retire with a full pension after 25 years of service. It would grant them parity with other uniformed service personnel who perform essential tasks including, police officers, firefighters, EMTs and other uniformed service employees.

 This bill would create a 25-year plan (FPI 25-Year Plan) for Tier 4 and Tier 6 Fire Protection Inspectors, Associate Fire Inspectors, and supervisors of those titles who currently participate in one of the New York City Employees’ Retirement System (NYCERS) general plans, giving them the option of enrolling in the new fire protection inspectors (FPI) plan. The service benefit would equal 50% of final average salary (FAS) for the first 25 years of allowable service, and 2% of FAS for each additional year up to a maximum of 30 years.

 Under this bill, eligibility for the benefit, FAS span and date of payability differ between Tiers 4 and 6. Tier 4 eligibility requires at least five, but less than 25, years of allowable service, with an FAS averaging three years, and payable after 25 years. In contrast, Tier 6 eligibility requires at least 10, but less than 25, years or allowable service, with an FAS averaging five years, and payable at age 63. The FPI 25-Year Plan would require additional member contributions equal to 6.25 percent of compensation, which would reduce the amount required for the City to contribute in employer contributions.

1. **PROPOSED LEGISLATION**

 Section one of the bill exempts the newly created section regarding fire protection inspectors from the maximum benefits of section 444(a) of the retirement and social security law.

 Section two of the bill allows for fire protection inspector member of NYCERS to retire regardless of age and with less than 25 years of service subject to the provisions of the newly created section 445-j.

 Section three creates a new section in the law, 445-j, to provide an optional 25-year improved benefit retirement program for fire protection inspection members. The section sets out the terms and conditions of this program.

 Section four of this bill creates a new section 604-j that establishes a 25-year retirement program for fire protection inspector members. It sets out the terms and conditions of the program.

 Section five of the bill amends section 613 of the retirement and social security law to require contributions to the retirement system on behalf of fire protection inspector members who are participating in the program.

 Section six of this bill adds a new subdivision to the administrative code of the city of New York requiring the employer of a fire protection inspector member who is participating in the 25-year improved benefit retirement program to pay all additional member contributions that would otherwise be deducted from the member’s compensation.

 Section seven of the bill amends subdivision c of section 13-125.2 of the administrative code of the city of New York to conform the existing law to the newly created subdivision from section six.

 Section eight of this bill amends section 13-125.2 the administrative code of the city of New York to add a new paragraph describing what contributions will be included in determining the retirement benefits of a member of the 25-year improved benefit program.

 Section nine of the bill amends subdivision d of section 13-125.2 of the administrative code of the city of New York to conform the existing law to the newly created subdivision from section six.

 Section 10 of this bill amends section 603 of the retirement and social security law to include a reference to the newly created section 604-j.

 Section 11 of this bill indicates that provisions of this bill do not create a contractual right to applicable members.

 Section 12 is the effective date.

1. **FISCAL IMPLICATIONS**

 See Council Finance Division fiscal impact statement.

1. **EFFECTIVE DATE**

 Immediately.

Preconsidered State Legislation Resolution

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6988-B, and Assembly Member Abbate, A.7962A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”**

By Council Member Abreu

 **Whereas**, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6988-B, and Assembly Member Abbate, A.7962A, “AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to the establishment of twenty-five year retirement programs for members of the New York city employees' retirement system employed as fire protection inspectors and associate fire protection inspectors”; and

 **Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; now, therefore, be it

 **Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

 Referred to the Committee on State and Federal Legislation.

JG
5/16/22 12:37 PM