

# CSEA Chautauqua County Local 807 NYSLRS Retirement Overview

Presented by:
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Council Affairs Bureau
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Thomas P. DiNapoli, State Comptroller



Two Retirement Systems:

ERS and PFRS

2,988
Participating
Employers

304
Plan
Combinations

1,236,057

Members, Retirees and Beneficiaries

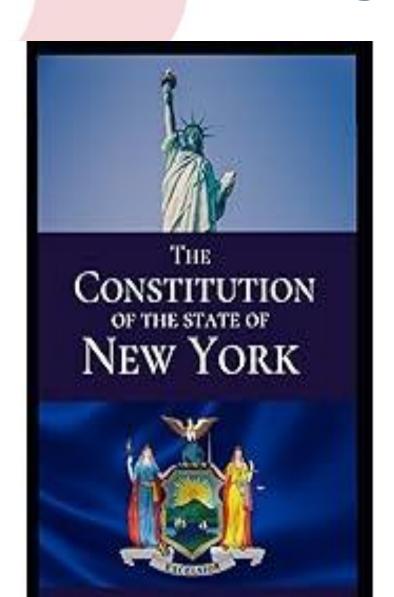
713,802 Members 476,770 Retirees 45,485 Beneficiaries

Value of the Fund: \$267.4 billion as of March 31, 2024





# **Protecting Your Pension**





# Membership

#### Pension Benefits are based on:

- Tier
- Service Credit
- Final Average Salary (FAS)
- Retirement Plan
- Age at Retirement

# **ERS Tiers**

Tier 1	Prior to 07/01/1973
Tier 2	07/01/1973 - 07/26/1976
Tier 3	07/27/1976 - 08/31/1983
Tier 4	09/01/1983 - 12/31/2009
Tier 5	01/01/2010 - 03/31/2012
Tier 6	04/01/2012 - Present

# Membership by Tier (3/31/24)

Tier	ERS	%	PFRS	%	Total
Tier 1	765	0.1%	10	0%	775
Tier 2	701	0.1%	14,020	38.7%	14,721
Tiers 3 & 4	224,481	33.1%	104	0.3%	224,585
Tier 5	27,708	4.1%	1,799	5.0%	29,507
Tier 6	423,949	62.6%	20,265	56.0%	444,214
Total	677,604	100.0%	36,198	100.0%	713,802

# Vesting

- What is Vesting?
  - You have enough service credit to be eligible for a pension when you are of retirement age
- Automatic process
- Tiers 1, 2, 3, & 4 = Five years of service credit
- Tiers 5 & 6 = Was 10 years. Five years of service credit AS OF APRIL 9, 2022!!!



## Tier 3, 4 and 5 Contributions

- Tiers 3, 4 and 5 members contribute 3 percent of their gross reportable earnings
- 3% contributions stop for Tier
   3 & 4 members who:
  - Attain 10 years of credited service; or
  - 10 years from your actual date of membership, whichever occurs first
- Tier 5 members contribute for entire career



## Tier 6 Contributions

Tier 6 members also contribute for entire career

#### Variable Contribution rate based on salary:

Salary	Employee contribution rates
\$45,000 or less	3%
\$45,000.01 - \$55,000	3.5%
\$55,000.01 - \$75,000	4.5%
\$75,000.01 - \$100,000	5.75%
Over \$100,000	6%

## **Service Credit**

## **Types of Service for All Tiers:**

- Actual Service
- Prior
- Military

#### At Retirement:

- Article 19 (Tiers 1&2)
- Sick Leave



# ERS Membership



#### Mandatory

- Full Time
- Permanent
- 12 month positions

#### **Optional**

- Temporary or provisional positions
- Annual salary less than minimum wage
- Seasonal
- Less than:
  - 30 hours/week or standard workday; and
  - 12 months/year

## **Benefit Calculations**

## **Service Credit**

# Public Service within New York State

- Request credit for all service with:
  - NYS Government
  - Counties, Cities, Towns & Villages
  - Public Schools
  - Authorities

# Benefit Calculations Military Service Credit

# All Tiers

- Under some circumstances, credit can be obtained for military service
- Improves most benefit calculations
- Payment may be required
- Can purchase up to 3 years of prior military service:
  - Must have been honorably discharged
  - Must have at least 5 years of credited service in NYSLRS before applying
  - Must apply for prior to retirement





# Military Service Credit How to Apply?



Fill out RS 5042 – Request to Purchase Service Credit (Including any Military Service)

 This is the same form a member would fill out to purchase any previous service credit

Also Submit Copy of Your DD-214, Certificate of Release or Discharge from Active Duty

 DD-214 Must Clearly Show "Honorable Discharge" in the Character of Service Box





# Benefit Calculations Unused-Unpaid Sick Leave

# All Tiers

 If your employer has adopted this provision, when you retire, your unused sick leave can be added to your total service credit

# Section 41(j)

- For Tiers 1-5, maximum usable days of sick leave credit is 165 days; for some NYS employees, max is 200 days
- For Tier 6, maximum usable days of sick leave credit is 100 days





# Benefit Calculations Unused-Unpaid Sick Leave

# All Tiers

Section 41(j)

- Credit for your unused sick leave at retirement cannot be used to:
  - Qualify for vesting
  - Qualify for a better retirement benefit. For example, cannot be used to reach the 20 or 30-year calculation if you retire with less than those amounts





# Benefit Calculations Unused-Unpaid Sick Leave

# Section 41(j)

- 200 days = .77 years of service
- 165 days = 0.63 years of service
- 100 days = 0.38 years of service



# Benefit Calculations Article 19

# **Tiers** 1 & 2



- 1 Month of service credit for each year served
  - Maximum 24 months
  - Applied at retirement
- Increases benefit cap
  - Section 75-h or 75-l
- You must have:
  - Been in active service 4/1/99 through 10/1/00





# Final Average Salary (FAS)

## **Benefit Calculations**

# Final Average Salary – Including Tier 6 as of April 20, 2024!

All Tiers

Average of your highest
 36 consecutive months of earnings

**FAS** 

- Usually it's the last 36 consecutive months going back from your Date of Retirement
  - However, it can be any other 36 consecutive month period of earnings

# Benefit Calculations Final Average Salary

Tier 1: 6/17/71 or after

Tier 2

Tiers 3, 4 & 5

Tier 6 4/20/24 or after

Highest 48 months reviewed

(annual earnings cannot exceed previous 12 months by more than 20%)

Highest 60 months reviewed

(annual earnings cannot exceed average of previous 24 months by more than 20%)

Highest 60 months reviewed

(annual earnings cannot exceed average of previous 24 months by more than 10%)

Highest 60 months reviewed

(annual earnings cannot exceed *average* of previous 24 months by more than 10%)

## Limit Calculation -Tiers 3, 4, 5 & 6

Actual Earnings	Limit	Earnings Allowed
Year 1: \$39,000	$[(\$32,000 + \$31,000) \\ \div 2] \times 1.1 = \$34,650$	\$34,650
Year 2: \$32,000	$[(\$31,000 + \$26,000) \\ \div 2] \times 1.1 = \$31,350$	\$31,350
Year 3: \$31,000	$[(\$26,000 + \$25,000) \\ \div 2] \times 1.1 = \$28,050$	\$28,050
Year 4: \$26,000		

In this example, the earnings in years 1, 2 and 3 are more than 10 percent above the average of the previous two years, so the earnings in years 1, 2 and 3 were limited.

**FAE:**  $(\$37,800 + \$32,000 + \$30,600) \div 3 = \$33,467$ 

Year 5: \$25,000

# Tier 6 OT & Earnings Limits

 OT pay that exceeds limit cannot be used in FAS calculation. For FY 2025, limit is \$20,958 & increases annually by CPI. Tier 5 has a limit of \$23,369.51 for FY 2025 that increases each calendar year by 3%.

 Earned compensation which exceeds the Governor's annual salary (\$250,000)

 Salary paid by more than two participating employers



# Benefit Calculations Tiers 2, 3 & 4

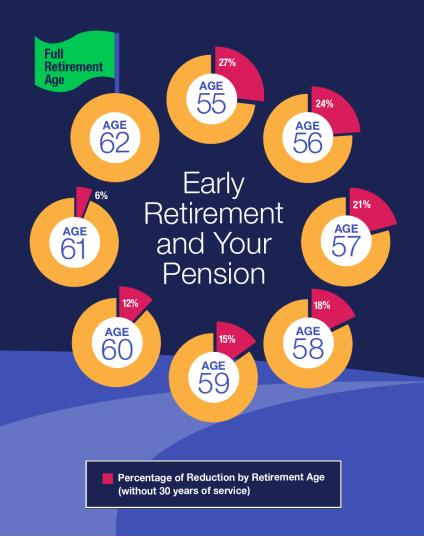
- Full benefit age is 62
- However, if you have 30 or more years of service, you may receive your full benefit as early as age 55
- If you retire with less than 30 years of service before you turn 62, there is a permanent reduction of anywhere from 1 to 27 percent depending on your age at retirement

Retire Early or Wait Until Age 62?

Once you're vested, you have a right to a NYSLRS retirement benefit — even if you leave public employment.

Age 55 is the earliest that most Tier 3 and 4 Employees' Retirement System (ERS) members can claim their benefits.

However, unless you have 30 years of service, state law imposes a significant penalty for early retirement.



# Benefit Calculations Tier 5

- Full benefit age is 62
- If you retire before you turn 62, there is a permanent reduction of anywhere from 1 to 38.33 percent depending on your age at retirement
- Unlike Tiers 1-4, if you are Tier 5 in the Ordinary Retirement Plan and retire before you turn 62, there is a permanent reduction even if you have 30 or more years of service

Ex. Member retires at 57 with 35 years of service credit, he or she will still receive 28.33% lifetime reduction in their pension

Retire Early or Wait Until Age 62?

Once you're vested, you have a right to a NYSLRS retirement benefit — even if you leave public employment.

Age 55 is the earliest that most Tier 5 Employees' Retirement System (ERS) members can claim their benefits.

However, unless you are a Uniformed Court and Peace Officer employed by the Unified Court System and have 30 years of service, state law imposes a significant penalty for early retirement.



# Benefit Calculations Retirement Plans

# Article 15

# Tiers 3, 4 & 5

#### Less than 20 years of service

■ 1.66% (1/60) of FAS for each year of service

#### Between 20 – 30 years of service

■ 2% (1/50) of FAS for each year of service

#### More than 30 years of service

- 2% (1/50) of FAS for each of the first 30 years of service,
   plus
- 1.5% (3/200) of FAS for each year of service over 30 years







# Benefit Calculations Tier 6

- Full benefit age is 63
- If you retire before you turn 63, there is a permanent reduction of anywhere from 1 to 52.00 percent depending on your age at retirement
- Unlike Tiers 1-4, if you are Tier 6 in the Ordinary Retirement Plan and retire before you turn 63, there is a permanent reduction even if you have 30 or more years of service
- Ex. Member retires at 57 with 35 years of service credit, he or she will still receive 39% lifetime reduction in their pension

Retire Early or Wait Until Age 63?

Once you're vested, you have a right to a NYSLRS retirement benefit — even if you leave public employment.

Age 55 is the earliest that most Tier 6 Employees' Retirement System (ERS) members can claim their benefits.

However, state law imposes a significant penalty for early retirement.



# Benefit Calculations Retirement Plans

# Article 15

## Tier 6

#### Less than 20 years of service

■ 1.66% (1/60) of FAS for each year of service

### With 20 years of service

- 35% of FAS for the first 20 years of service, plus
- 2% (1/50) of FAS for each year of service over 20 years



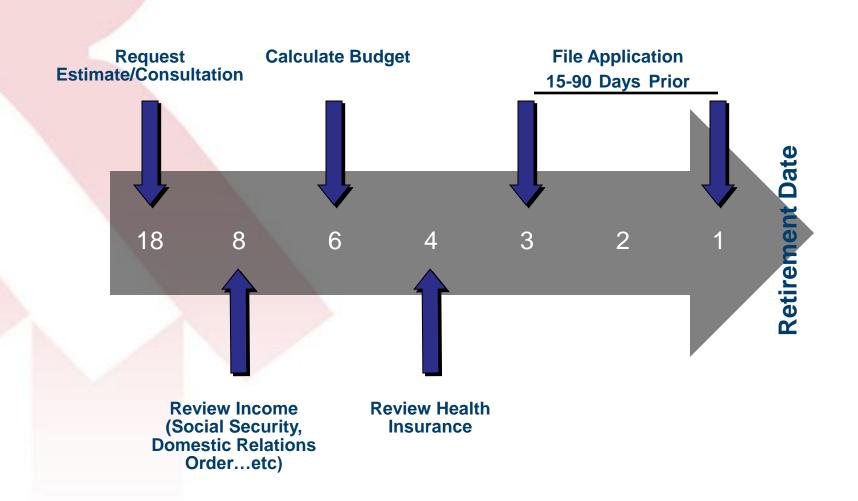






## **Planning for Retirement**

(up to 18 months prior to the date of retirement)





## **Application for Service Retirement**

- Must be received 15-90 days prior to the effective date of retirement
- Not working on date of retirement – "Party Day"
- Paper Application must be signed and notarized
- Recommend that forms be mailed certified return receipt if not submitted in person at a consultation site
- Retirement application can be withdrawn or date changed up to one day before the effective date of retirement



## **Documentation required**

- Service Retirement Application
- Proof of date of birth-birth certificate, passport, baptismal certificate, marriage certificate (if it notes age on given date), NYS driver's license (issued on or after 1/1/2005) or NYS Enhanced Driver's license
- W4-P tax form
- EFT Form (Highly Recommended)
- Retirement Option Election Form:
  - Single Life
  - Joint & Pop-up Allowances
  - 5 & 10 Year Certains
  - Alternative

## **Options**

### Single Life Allowance

All Tiers

- Maximum pension for life
- All pension payments stop upon death of retiree
- If your election is not timely, by law, for most tiers, NYSLRS must process your retirement as if you had selected the Single Life Allowance



## **Options**

#### **All Tiers**

#### **Joint Allowances**

- Reduced pension for life
- One beneficiary
  - You can never change your beneficiary
- Beneficiary receives monthly check for life



## **Options Pop Up Joint Allowances**

#### **All Tiers**

- Reduced pension for life
- One beneficiary
  - You can never change your beneficiary
- Beneficiary receives monthly check for life
- Pension reverts to Single Life
   Allowance if beneficiary dies first

New York State & Local Retirement System

## **Options**

#### **5 & 10 Year Certains**

All Tiers

- Retiree receives reduced pension for life
- One or multiple beneficiaries
  - You can change beneficiaries
- If retiree dies, beneficiary(ies)
  receive the same monthly
  payment for the remainder of
  the chosen period (if any)



### After You Retire

## **Retirement Payments**

### **Important Facts**

Retirees with a Domestic Relations Order (DRO) on file receive Retirement Payments proportionate to the rate spelled out in the Order



## Review your options

#### Pension Benefit Estimator

#### Your Pension Benefit Estimate

Section Section

NYSLRS ID

Retirement System ERS

Retirement Plan A15

The estimate is based on retirement plan A15. To keep a copy of this estimate for your records, click 'Save and Print estimate'. If you would like to see an estimate based on a different retirement plan, click 'Request a Manual Estimate'.

Save and Print Estimate

Request a Manual Estimate

#### **Estimated Pension Payment Options**

This estimate shows you the amounts payable under the various pension payment options. To better understand these options, click the 'Pension Payment Options' link below.

#### Pension Payment Options

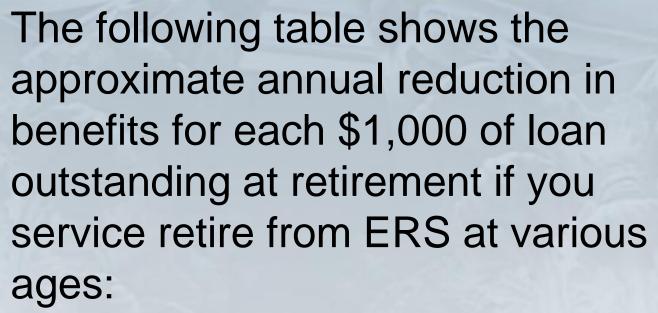
Option	Monthly Amount	Beneficiary Monthy Amount	Annual Amount
Single Life Allowance(Option 0)	\$2,572.95	\$0.00	\$30,875.40
Pop-Up Joint Allowance-25%	\$2,448.14	\$612.04	\$29,377.68
Pop-Up Joint Allowance-50%	\$2,334.88	\$1,167.44	\$28,018.56
Pop-Up Joint Allowance-75%	\$2,231.63	\$1,673.72	\$26,779.56
Pop-Up Joint Allowance-100%	\$2,137.13	\$2,137.13	\$25,645.56
Joint Allowance-25%	\$2,450.00	\$612.50	\$29,400.00
Joint Allowance-50%	\$2,338.26	\$1,169.13	\$28,059.12
Joint Allowance-75%	\$2,236.27	\$1,677.20	\$26,835.24
Joint Allowance-100%	\$2,142.81	\$2,142.81	\$25,713.72
Five Year Certain	\$2,560.78	\$0.00	\$30,729.36
Ten Year Certain	\$2,531.43	\$0.00	\$30,377.16

# Retiring with an Outstanding Loan

- If you retire with an outstanding loan, your pension will be reduced for life
- ERS retirees can pay off loan balance after they retire – has to be one-time lump sum payment for full amount that was due at retirement.



# Retiring with an Outstanding Loan



Age at Retirement 55 60

62

65

70

Annual Reduction \$58.12 \$62.87 \$65.24 \$69.44 \$78.82



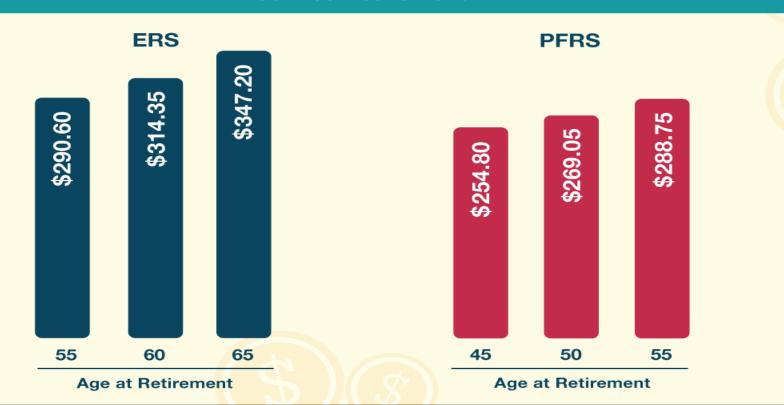


## HOW A NYSLRS LOAN BALANCE COULD AFFECT YOUR PENSION

If you have a balance on your NYSLRS loan when you retire, your pension will be reduced. The amount of reduction is based on your retirement system, tier, age at retirement and the type of benefit.

This chart shows the approximate annual reductions for a Tier 3, 4, 5 or 6 retiree with a loan balance of \$5,000.

#### Service Retirement





## ERS Tiers 2, 3, 4, 5 & 6 Active Member Death Benefits

### **Ordinary Death Benefit**

- Eligibility requires one year of service
- Last year pensionable earnings times service credit
- Cannot exceed three years (maximum of three times last 12 months of earnings)
- Reduction applies after age 60 If you are in service, the benefit is reduced 4 percent per year starting at the age of 62 (63 for Tier 6 members) but cannot be reduced below 60 percent of the original benefit payable.

## **Enactment of OSC Program Bill (S.**9812/A.10570 of 2024)

- OSC Program Bill Chapter 593 of the Laws of 2024 – Signed 12/13/24
- Authorizes beneficiaries of a member who files for retirement and dies within 90 days of the effective date of retirement to choose between the ordinary death benefit or a pension benefit
- Law outlines process if no option beneficiary and when there are multiple beneficiaries

# ERS Tiers 2, 3, 4, 5 & 6 Post Retirement Death Benefit Eligibility

- There is a post-retirement death benefit if you:
  - Retire directly from service; or
  - Are a vested member and your date of retirement is within one year of leaving public employment in New York State.

## ERS Tiers 2, 3, 4, 5 & 6 Post Retirement Death Benefit

- If death of retiree occurs:
  - During 1<sup>st</sup> year of retirement
     benefit = 50% of pre-retirement benefit
  - During 2<sup>nd</sup> year of retirement
     benefit = 25% of pre-retirement benefit
  - During 3<sup>rd</sup> year or thereafter of retirement benefit = 10% of pre-retirement benefit



You can designate your estate, a trust or your favorite charity as the beneficiary of your NYSLRS death benefit.

#### **ESTATE**

If a benefit is payable, it will be given to the executor of your estate to distribute according to the terms of your will.

#### **TRUST**

A trust is an arrangement that allows one party to hold assets on behalf of a beneficiary or beneficiaries.

#### **ENTITY**

You can name any charitable, civic, religious, educational or health-related organizations as your primary or contingent beneficiary.

#### MINOR CHILDREN

If your beneficiary is a minor at the time of your death, the benefit will be paid to a court-appointed guardian or a custodian that you have named on behalf of the child.

## IN-SERVICE (ORDINARY) DEATH BENEFIT

FOR ERS TIER 2, 3, 4, 5 & 6 MEMBERS IN REGULAR PLANS

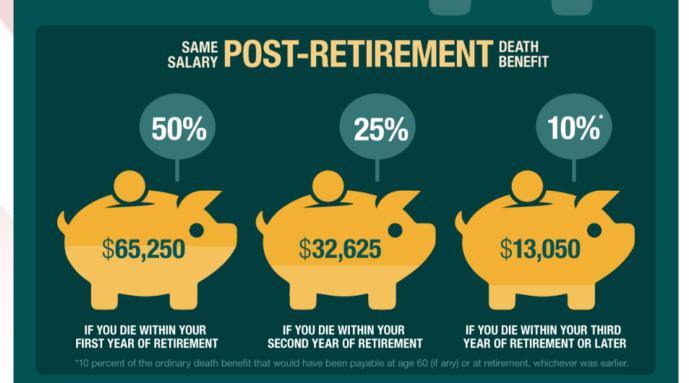
If you had 3 or more years of service and your last year's salary was \$43,500, your total in-service death benefit would equal \$130,500 (3x your last year's salary).

\$43,500



TOTAL IN-SERVICE (ORDINARY)
DEATH BENEFIT

\$130,500



### **Can I Change My Beneficiary?**

#### **Pension Payment Option**

In most cases, if you choose a pension payment option that provides for a beneficiary, you cannot change that beneficiary after you retire.

Single Life Allowance	Does not provide for a beneficiary
Joint Allowance (full or partial)	×
Pop-Up Joint Allowance (full or partial)	×
Five or Ten Year Certain	<b>√</b>

#### **Post-Retirement Death Benefit**

If your retirement plan provides for a death benefit after retirement, you can change your beneficiary at any time.



#### **Post-Retirement Death Benefit**











#### After You Retire

## First Payment

### Example:

February 1 - 28: Retirement date



## Preparing to Retire Taxability of Pension

## Taxability of Your NYS Pension

- Subject to Federal Tax \*
  - No NYS Tax
  - No Social Security Tax (FICA)
  - \* File W4-P form with the Retirement System to select your rate of Federal Tax withholding

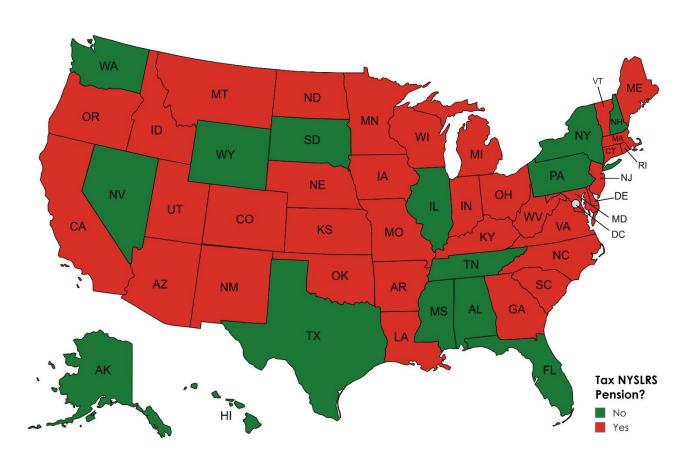




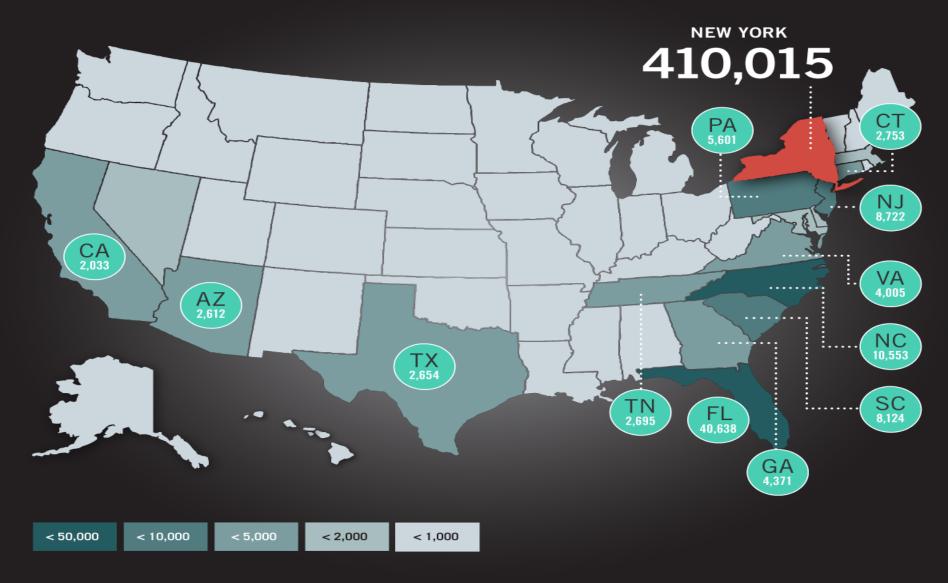
## Taxability of NYSLRS Pension

(Please Contact State's Revenue Agency to Verify)



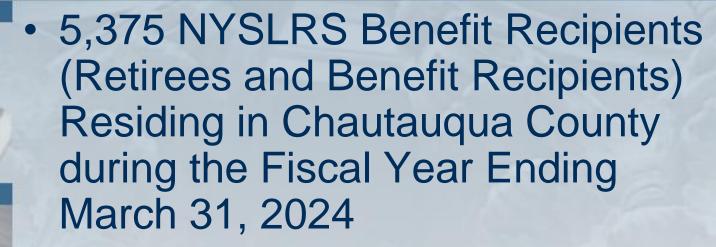


The vast majority of NYSLRS retirees and beneficiaries live in just a handful of states.



# Interesting NYSLRS Facts Chautauqua County

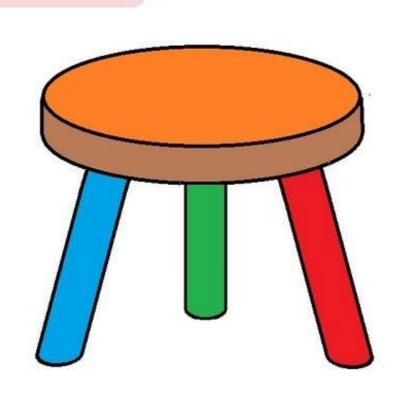
As of March 31, 2024



 \$128,476,262 in NYSLRS Benefit Payments Paid to Chautauqua County Residents During the Fiscal Year Ending March 31, 2024



## Your Retirement Income is a Three-Legged Stool



- Leg 1: NYSLRS Pension
- Leg 2: Social Security Benefit
- Leg 3: Personal Savings – Includes Deferred Compensation

## Working After Retirement



## **Working After Retirement**

(RSSL Section 212)

## Public employment earnings within New York limited to \$35,000\* for calendar year



\*Limit subject to change by NYS Legislation

## **Working After Retirement**

### **Public Employment**

- NYS State Agency
- County
- City
- Town or Village
- Authority or District
- School District or BOCES (Now Allowed through 6/30/25)

## Working After Retirement (Section 212)

### Unlimited earnings if working for:

- Federal Government
- Any Other State
- Private Industry
- Self Employment
- Age 65
- School District or BOCES (Through 6/30/25)

## Working After Retirement (Section 211)

- Employer submits waiver for approval
- Good for up to 2 years may be renewable
- Earnings are unlimited unless returning to work for a former employer, in which case earnings subject to a limitation
  - ➤ A "former employer" is any public employer that paid a salary during the two years before retirement

## Restoration of Membership

- Employee requests suspension of pension
- Membership application must be submitted
- Begin reporting salary and service on monthly report
- Must have 2 years of new service credit for pension recalculation at retirement
- Service under §212 and §211 not creditable toward membership



## Cost-Of-Living Adjustments (COLA)

- The September 2024 COLA equals 1.8 percent, for a maximum annual increase of \$324.00, or \$27.00 per month before taxes.
- To begin receiving COLA payments, you must be:
  - Age 62 or older and retired for five or more years; or
  - Age 55 or older and retired for ten or more years; or
  - A disability retiree for five or more years

## Receiving COLA for the First Time

- You will receive your first COLA increase in the month following the month you become eligible.
  - Includes Pre-rated Portion Due for the month you first became eligible
- Once eligible, you will receive an increase automatically each September
- If you are the spouse of a deceased retiree and you are receiving a lifetime pension benefit, you are entitled to ½ the COLA amount that would have been paid to the retiree



#### WWW.OSC.STATE.NY.US/RETIRE



### **Retirement Online**

- With Retirement Online you can:
- Estimate your pension benefit
- Apply for a loan
- Apply for retirement
- Purchase service credit
- Update your contact information
- View or Update your beneficiaries



### **Retirement Online**

- View loan and service credit payoff amounts
- Manage loan and service credit payments
- Choose to receive your Member Annual Statement electronically

\* An easy and secure way to review your benefits and conduct transactions in real time.



#### In-Person Consultations

Reminder: Appointments need to be scheduled for in-person consultations. However, you do not need an appointment to drop off forms, pick up information or have something notarized (Except for NYC Office).

#### Albany Site

110 State Street Albany, NY 12244

Hours: 8:30 am - 4:30 pm

Days: Generally, open every business day. Sites are closed on federal holidays.

#### **Buffalo Site**

Ellicott Square Building 295 Main Street, Suite 893 Buffalo, NY 14203

**Hours:** 9:00 am – 12:00 pm and 1:00 pm – 4:00 pm

Days: Generally, open every business day. Sites are closed on federal holidays.

#### Hauppauge Site

330 Motor Parkway, Suite 107 Hauppauge, NY 11788 **Hours:** 9:00 am – 12:00 pm and 1:00 pm – 4:00 pm

Days: Generally, open every business day. Sites are closed on federal holidays.

#### New York City Site

59 Maiden Lane, 30<sup>th</sup> Floor New York, NY 10038 **Hours:** 9:00 am – 12:00 pm and 1:00 pm – 4:00 pm

Days: Usually, every Tuesday and Wednesday. Sites are closed on federal holidays.

### Contacting MYSLRS

#### MAIL

NYSLRS 110 State Street Albany, NY 12244 - 0001

#### **CALL CENTER**

(518) 474-7736

or

1-866-805-0990

*M-F* 7:30 – 4:30

#### WEB Secure Contact Form

www.osc.state.ny.us/retirement/contact-us







# Thank You For Participating!