

**STATE OF NEW YORK**

5631--A

2009-2010 Regular Sessions

**IN SENATE**

May 22, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended  
2 by adding a new section 13-256.1 to read as follows:

3 § 13-256.1 Discharge or dismissal. Notwithstanding any other provision  
4 of law, when a member has attained at least twenty years of creditable  
5 police service in the retirement system, the discharge or dismissal from  
6 employment of such person shall not preclude such person from receiving  
7 any rights or benefits to which he or she shall otherwise be entitled as  
8 a member or retired member of the retirement system nor upon retirement  
9 shall his or her benefits be in any way diminished as a result of such  
10 discharge or dismissal.

11 § 2. The administrative code of the city of New York is amended by  
12 adding a new section 13-361.1 to read as follows:

13 § 13-361.1 Discharge or dismissal. Notwithstanding any other provision  
14 of law, when a member has attained at least twenty years of creditable  
15 fire uniformed force service in the retirement system, the discharge or  
16 dismissal from employment of such person shall not preclude such person  
17 from receiving any rights or benefits to which he or she shall otherwise  
18 be entitled as a member or retired member of the retirement system nor  
19 upon retirement shall his or her benefits be in any way diminished as a  
20 result of such discharge or dismissal.

21 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD09108-02-0

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5631A

SPONSOR: SAVINO

TITLE OF BILL:

An act to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service

SUMMARY OF PROVISIONS:

This legislation guarantees a pension to any New York City police officer or firefighter who has attained twenty years of creditable service and would have otherwise been eligible for retirement, who was dismissed from employment.

JUSTIFICATION:

Presently, every member in the New York State Policemen's and Firemen's Retirement system, covering all police officers outside the City of New York, has his pension protected statutorily. If a member has twenty years of service or more and is dismissed, he receives his pension immediately without an age limitation. In fact, this applies to all members in the Policemen's and Firemen's Retirement system, as well as to members in the other retirement systems, but we are dealing here only with legislation applicable to police officers and firefighters enrolled in the New York City Police and Fire Pension Funds.

Our proposal is to ensure that a member with 20 or more years of service, who would otherwise be entitled to his pension had he applied for retirement, not be denied that pension, and that the City not be allowed to use the 30 day waiting period to thwart pension rights. This proposal does not give the member the extent of protection provided or members in the New York State Policemen's and Firemen's Retirement System since there will be no protection under this proposal for members dismissed who have less than 20 years of service. However, members who could have retired based upon the 20 year retirement plan will be appropriately protected.

It is totally violate of the principle and concept of pensions to deny to a member and his family his retirement benefits for which he has expended many years of service and, in the New York City Police and Fire Pension Funds, contributed up to 7% of his total earnings. The member is being sufficiently punished for his possible departmental violation by being dismissed from his position. There is no need to become so punitive as to then also punish his family by not allowing them to benefit from his pension upon which they depended.

LEGISLATIVE HISTORY:

2004 Session: New Bill - S.5876/A.9281- no significant action  
2005-2006 Session: S.4176/A.6514 - no significant action

2007-2008 Session: S.3411/A.6166 - no significant action.

FISCAL IMPLICATIONS:

To be determined

EFFECTIVE DATE:

Immediately.

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## STATE OF NEW YORK

10154

## IN ASSEMBLY

March 8, 2010

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended  
2 by adding a new section 13-256.1 to read as follows:

3 § 13-256.1 Discharge or dismissal. Notwithstanding any other provision  
4 of law, when a member has attained at least twenty years of creditable  
5 police service in the retirement system, the discharge or dismissal from  
6 employment of such person shall not preclude such person from receiving  
7 any rights or benefits to which he or she shall otherwise be entitled as  
8 a member or retired member of the retirement system nor upon retirement  
9 shall his or her benefits be in any way diminished as a result of such  
10 discharge or dismissal.

11 § 2. The administrative code of the city of New York is amended by  
12 adding a new section 13-361.1 to read as follows:

13 § 13-361.1 Discharge or dismissal. Notwithstanding any other provision  
14 of law, when a member has attained at least twenty years of creditable  
15 fire uniformed force service in the retirement system, the discharge or  
16 dismissal from employment of such person shall not preclude such person  
17 from receiving any rights or benefits to which he or she shall otherwise  
18 be entitled as a member or retired member of the retirement system nor  
19 upon retirement shall his or her benefits be in any way diminished as a  
20 result of such discharge or dismissal.

21 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD09108-03-0

**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
**submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A10154

SPONSOR: Abbate

TITLE OF BILL: An act to amend the administrative code of the city of New York, in relation to the effect of discharge or dismissal of a police officer or firefighter with twenty years of creditable retirement service

SUMMARY OF PROVISIONS: This legislation guarantees a pension to any New York City police officer or firefighter who has attained twenty years of creditable service and would have otherwise been eligible for retirement, who was dismissed from employment.

JUSTIFICATION: Presently, every member in the New York State Policemen's and Firemen's Retirement system, covering all police officers outside the City of New York, has his pension protected statutorily. If a member has twenty years of service or more and is dismissed, he receives his pension immediately without an age limitation. In fact, this applies to all members in the Policemen's and Firemen's Retirement system, as well as to members in the other retirement systems, but we are dealing here only with legislation applicable to police officers and firefighters enrolled in the New York City Police and Fire Pension Funds.

Our proposal is to ensure that a member with 20 or more years of service, who would otherwise be entitled to his pension had he applied for retirement, not be denied that pension, and that the City not be allowed to use the 30 day waiting period to thwart pension rights. This proposal does not give the member the extent of protection provided or members in the New York State Policemen's and Firemen's Retirement System since there will be no protection under this proposal for members dismissed who have less than 20 years of service. However, members who could have retired based upon the 20 year retirement plan will be appropriately protected.

It is totally violate of the principle and concept of pensions to deny to a member and his family his retirement benefits for which he has expended many years of service and, in the New York City Police and Fire Pension Funds, contributed up to 7% of his total earnings. The member is being sufficiently punished for his possible departmental violation by being dismissed from his position. There is no need to become so punitive as to then also punish his family by not allowing them to benefit from his pension upon which they depended.

LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: Immediately.

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