

Uniformed Correction Force 22-Year Enhanced Disability Retirement Plan Fact Sheet (CF22E)



NYC EMPLOYEES'
RETIREMENT SYSTEM

Tier 3

September 2024

This fact sheet describes the benefits and obligations of the Enhanced Disability Benefit program (EDB) (CF22E Plan), available to participants in the Uniformed Correction Force Tier 3 22-Year Plan (CF-22 Plan).

PARTICIPATION

Participation in the CF22E Plan may be **voluntary or mandatory**.

Voluntary Participation

Only Uniformed Correction Force members who participated in the CF-22 Plan between April 1, 2012 and December 31, 2016 had an option to voluntarily join the CF22E Plan by filing an election form with NYCERS.

The filing deadline for anyone in the Uniformed Correction Force in a title other than a Correction Officer was June 30, 2017. The filing deadline for Correction Officers was September 30, 2017. **THESE OPTIONS HAVE EXPIRED.**

ONCE AN ELECTION TO PARTICIPATE IN THE CF22E PLAN IS FILED WITH NYCERS, IT MAY NOT BE REVOKED.

Mandatory Participation

Uniformed Correction Force members who become participants in the CF-22 Plan on or after January 1, 2017 are mandated into participation in the CF22E Plan.

CONTRIBUTIONS

In addition to Basic Member Contributions (BMCs) of 3% of gross wages, participants in the CF22E Plan are required to pay Additional Member Contributions (AMCs) from the plan effective date (January 1, 2017) until retirement at the following rates:

- ▶ 0.8% of gross wages through June 30, 2019
- ▶ 0.9% of gross wages effective July 1, 2019

The current AMC rate will expire on June 30, 2025. The Actuary reviews the AMC rate every three years to determine if this rate fully funds the benefit. Should it be determined that an increase in contributions is needed to fund the benefit, the changes will be prospective.

AMCs are maintained in the Retirement Reserve Fund (RRF). AMCs are Federal tax-deferred for **mandatory** participants of the CF22E Plan (Uniformed Correction Force members who become participants in the CF-22 Plan on or after January 1, 2017), meaning that you do not pay Federal taxes on the contributions, only New York State and local taxes. AMCs are **NOT Federal tax-deferred** for CF-22 Plan participants who voluntarily ELECT the CF22E Plan. AMCs are not refundable or transferable to another public retirement system within New York State. **Note:** Contributions made while on Union Leave are not Federal tax-deferred for either voluntary or mandatory participants in the CF22E Plan.

DEFICITS

Failure to pay any of the required contributions may result in a deficit in the AMCs or BMCs. Members in this plan are not permitted to retire for disability with a deficit in either fund. If a deficit is discovered



prior to retirement, NYCERS will certify payroll deductions (where applicable) and notify the member so they can resolve the deficit. Unpaid deficits will also impact death benefits.

ENHANCED DISABILITY RETIREMENT BENEFIT

CF22E Plan participants who become physically or mentally incapacitated and can no longer perform the duties of their job may be eligible for either an Ordinary Disability Benefit or an Accidental Disability Benefit.

Ordinary Disability Benefit: You are eligible for an Ordinary Disability Benefit if you have at least five years of Credited Service and have been found to be disabled by the Social Security Administration. The benefit is equal to the greater of:

- ▶ 1/3 of Final Average Salary (FAS) **or**
- ▶ 2% times FAS times years of Credited Service, but not in excess of 22 years of such service

Disability Retirement RSSL §507-a: You are eligible for a disability retirement benefit if you either have 10 or more years of Credited Service or if your injury is caused by a “line of duty accident”. If you are awarded an accident disability benefit under RSSL §507-a, this benefit is tax free. The benefit is equal to the greater of:

- ▶ 1/3 of Final Average Salary (FAS) **or**
- ▶ 1.67% times FAS times years of Credited Service, **or**
- ▶ If eligible to retire for service, the service retirement benefit if greater than the aforementioned calculations.

Accidental Disability Benefit RSSL §507*: You are eligible for an Accidental Disability Benefit if you are awarded Primary Social Security Disability Benefits or are found to be disabled by the NYCERS Medical Board, and the Board of Trustees determines that the disability (as determined by the Social Security Administration or the NYCERS Medical Board) is the natural and proximate result of an accident not caused by your own willful negligence. The benefit is equal to:

- ▶ 60% of the member’s Final Average Salary (FAS) less:
- ▶ 50% of the Primary Social Security Disability Benefit, if any, and
- ▶ 100% of any Workers’ Compensation benefits payable.

This benefit is tax free.

PERFORMANCE OF DUTY DISABILITY RETIREMENT:

Act of an Inmate: You are eligible for an Accidental Disability Benefit if you become physically or mentally incapacitated for the performance of duties as a natural and proximate result of an act of an inmate. CF22E Plan participants who are approved for disability under this law are entitled to a disability benefit equal to 75% of FAS.

World Trade Center (WTC) Law: If you qualify for an Accidental Disability Benefit pursuant to the World Trade Center Law, your benefit will be equal to 75% of Final Average Salary. **Note:** To qualify for an Accidental Disability Benefit under the World Trade Center Law, you must have been a member of NYCERS or another public retirement system within New York State on or before September 11, 2001, **OR** become a member of NYCERS after the qualifying period, but were an employee of a public employer during the covered time period and purchased some or all of that pre-membership period. You must also file a [WTC Notice of Participation Form #622](#) (available at nycers.org) with NYCERS by September 11, 2026 and have your participation verified.



If you have not already filed Form #622, complete and submit the notarized paper form to NYCERS by mail at 30-30 47th Avenue, 10th Floor, Long Island City, NY 11101 or in person at NYCERS' Walk-in Center at 340 Jay Street in downtown Brooklyn.

If you have already filed a WTC Notice of Participation, log in to use the MyNYCERS **Application Tracker** to check on the status of your application. In addition, a "WTC Notice of Participation" link will appear in the main menu once your WTC Notice of Participation has been verified.

Heart Law: All CF22E Plan participants are entitled to the Heart Law presumption. This law provides a presumption that certain diseases of the heart were incurred in the performance of duty. CF22E Plan participants who are approved for disability under the Heart Law are entitled to a disability benefit equal to 75% of FAS. This presumption may be rebutted by competent medical evidence.

Hepatitis, AIDS and Tuberculosis (HAT) Law: All participants in the CF22E Plan are entitled to the HAT Law presumption. The HAT Law provides that a participant who contracts HIV (where they may have been exposed to bodily fluids of an inmate or a person confined to an institution under the jurisdiction of the NYC Department of Correction or Department of Health), tuberculosis, or hepatitis, will be presumed to have contracted such disease in the performance and discharge of duty. CF22E Plan participants who are approved for disability under this law are entitled to a disability benefit equal to 75% of FAS. The presumption may be rebutted by competent medical evidence.

NOTE: ALL PERFORMANCE OF DUTY DISABILITY BENEFITS are reduced by 100% of the annual payment from the Workers' Compensation Board for the same disability. Performance of Duty Disability benefits are not reduced by any Social Security benefits received for the same disability. Disability retirees who have been retired for at least five years are eligible for an annual Cost-of-Living Adjustment (COLA) pursuant to New York City Administrative Code §13-696, not the escalation pursuant to Retirement and Social Security Law §510.

This benefit is tax free.

FINAL AVERAGE SALARY (FAS)

FAS is defined as the average of wages earned by a member during any five consecutive years which provide the highest average wage. However, wages earned during any year used in an FAS calculation cannot exceed the average of the previous four years by more than 10 percent.

LOANS

Participants may not take out loans.

Participants may become 22-Year Plan Members while having an outstanding loan from their membership in a prior NYCERS Plan. However, they must repay that outstanding loan balance in full prior to being eligible to retire under the 22-Year Plan.

COST-OF-LIVING ADJUSTMENT (COLA)

Disability retirees who have been retired for at least five years are eligible for an annual Cost-of-Living Adjustment (COLA) pursuant to New York City Administrative Code §13-696, not the escalation pursuant to Retirement and Social Security Law §510.



SURVIVOR BENEFITS

In the event of your death prior to retirement, your NYCERS membership entitles your beneficiary/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 payable to your designated beneficiary/beneficiaries if you were in City service for at least 90 days and were in active service at the time of your death.

The benefit is calculated as follows:

- Three times your salary, **plus**
- A refund of your contributions, plus 5% interest

If you have at least 10 years of Credited Service, are awaiting payability of a Vested Retirement Benefit, and die prior to receiving such benefit, 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 contributions plus interest.

If you did not render 10 or more years of Credited Service, only the return of your contributions will be made payable to your Estate.

An Accidental Death Benefit (ADB) is payable to Eligible Beneficiaries, who are defined in law, if NYCERS 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 your Final Average Salary (FAS).

A state-funded Special Accidental Death Benefit is also payable to the widow, widower, children of the deceased (under 18 years of age or under the age of 23 if a student), or parents of the deceased for their lifetime. 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 FAS.

