

# Deputy Sheriff 25-Year Retirement Plan for Tier 4 Members (DSH-25)



NYC EMPLOYEES'  
RETIREMENT SYSTEM

Tier 4

June 2025

This brochure describes the benefits of the Deputy Sheriff 25-Year Plan (DSH-25 Plan). The DSH-25 Plan is available **ONLY** to members employed by the City of New York as Deputy Sheriff level one, Deputy City Sheriff level two, Supervising Deputy Sheriff, or Administrative Sheriff.

## Participation

Members who were a Tier 4 Deputy Sheriff on December 12, 2001 had the option to become a participant in the DSH-25 Plan by filing an election form with NYCERS no later than June 10, 2002. **This option has expired.**

Participation in the DSH-25 Plan is **optional** for anyone who is a Tier 4 member on December 12, 2001 and became a Deputy Sheriff after December 12, 2001, provided they are a Deputy Sheriff Member at the time of filing. [Deputy Sheriffs 25-Year Plan Election Form #184](#) must be filed within 180 days of becoming employed as a Deputy Sheriff Member.

**Once an election to participate in the DSH-25 Plan is filed with NYCERS, it may not be revoked.**

Participation in the DSH-25 Plan is **mandatory** for any Deputy Sheriff Member who becomes a Tier 4 member after December 12, 2001. A member automatically becomes a participant on the date they join NYCERS.

Participants who terminate service as a Deputy Sheriff Member and later return to such service will be mandated to participate on that date.

Participants who cease to hold a Deputy Sheriff title will no longer be able to participate in the DSH-25 Plan.

Members who choose not to participate or who discontinue service in the DSH-25 Plan are eligible to participate in NYCERS Basic Tier 4 (62/5) Plan, or 57/5 or 55/25 plan, as applicable.

## Contributions

As a Tier 4 member, participants are required to contribute 3% of their pensionable gross wages until they attain 10 years of Credited Service or reach the tenth anniversary of their membership – whichever is earlier. These contributions are referred to as Basic Member Contributions (BMCs) and they are held in the Member Contribution Accumulation Fund (MCAF).

As a member of the DSH-25 Plan, participants are also required to contribute Additional Member Contributions (AMCs) of 6¾% on all pensionable gross wages for all service as a Deputy Sheriff Member rendered on and after December 12, 2001.

AMCs are required for the first 30 years of Credited Service in a Deputy Sheriff title, or retirement, whichever comes first.

These contributions are in lieu of AMCs under Chapter 96 of the Laws of 1995. However, any pre-existing Chapter 96 AMC deficit is still owed.

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AMCs are maintained in the Retirement Reserve Fund (RRF), which is an account maintained separately from the MCAF account. Both funds earn interest of 5% per-annum, compounded annually.

All AMCs made from wages earned on or after December 12, 2001 are not included in current gross income for Federal income tax purposes [IRC §414(h)]. However, those contributions are subject to New York City, New York State, and Social Security taxes. Any distribution of these AMCs are subject to Federal income tax.

**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 MCAF (for BMCs) or the RRF (for AMCs). If the deficit is identified prior to retirement, NYCERS will notify the participant so they can resolve the deficit.

If there is an unresolved deficit at retirement in either the MCAF or RRF, NYCERS will notify the participant of the choice to either pay the deficit in full or apply an actuarial reduction (a lifetime reduction to their pension based on their deficit amount) to resolve the deficit. Unpaid deficits may also impact disability and death benefits.

Participants who cease to be employed as a Deputy Sheriff and withdraw their AMCs (and accrued interest), and later become a DSH-25 participant again, will be required to repay the AMCs refunded to them including 5% per-annum statutory interest, as if the AMCs had never been refunded. Payment of a deficiency can be made in a lump sum or through payroll deductions.

## Loans

DSH-25 Plan participants may borrow up to 75% of the BMCs held in the MCAF account. Participants are not permitted to borrow from any portion of their AMCs. Any loans taken are subject to the same terms and conditions applicable to Tier 4 members. Please consult [Loans Brochure #911](#) for additional information.

## Buy-Back

DSH-25 Plan participants may purchase previous public service rendered anywhere in New York City or New York State. The cost is 3% 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.

## 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 3% *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.

## Refunds

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. Participants with between five and 10 years of Credited Service must also waive their right to a Vested Retirement Benefit. Refunds will be reduced by the present value of any loan. Refunds of BMCs are not possible for participants with 10 or more years of Credited Service, except in cases of a participant's death.

Participants with less than 15 years of Credited Service as a Deputy Sheriff Member who cease to hold such a position may withdraw their AMCs, and interest earned thereon. Participants who withdraw their AMCs will no longer be entitled to a benefit under the DSH-25 Plan, but may be entitled to a benefit from their underlying plan (assuming service requirements have been met). Refunds of AMCs are not possible for participants with 15 or more years of Credited Service as a Deputy Sheriff Member.

A participant who is no longer employed as a Deputy Sheriff Member and withdraws their AMCs (and earned interest), who later becomes a participant again, will be charged with a deficit (including 5% per-annum statutory interest) calculated as if the AMCs had never been refunded. Payment of a deficit can be made in a lump-sum or through payroll deductions.

## Vested Retirement

DSH-25 Plan members who separate from service with at least five, but less than 25 years, of Credited Service are entitled to a Vested Retirement Benefit. The Vested Retirement Benefit is calculated using the following formula:

2.20% of Final Average Salary (FAS) *times* the number of years of Credited Service.

The benefit becomes payable on the date the participant would have completed 25 years of Credited Service.

Final Average Salary is defined as the greater of:

The average of wages earned during any three consecutive calendar years

**or**

The average of wages earned during the 36 months immediately preceding the member's retirement date.

**Note:** Wages earned in any year used in the FAS computation cannot exceed more than 10% of the average of the previous two years.

NYCERS encourages members who separate from City service to file [Notice of Intention to File for a Tier 3, 4, 6 or 22-Year Plan Vested Retirement Benefit Form #254](#). By doing so, NYCERS can send the member important information regarding their retirement account. For example, they will receive an Annual Disclosure Statement, detailing their account balances and designated beneficiaries. Additionally, NYCERS will send the member [Application for Payment of a Tier 3, 4, 6 or 22-Year Plan Vested Retirement Benefit Form #266](#) approximately 90 days prior to the date they are eligible to receive a vested benefit (Payability Date).



## Service Retirement Benefit

Participants in the DSH-25 Plan are eligible to receive a Service Retirement Benefit upon attaining 25 years of Credited Service, and if they file for retirement at least 30, but no more than 90, days prior to effective date of retirement. The Service Retirement Benefit is calculated using the following formula:

55% of Final Average Salary (FAS) for the first 25 years of Credited Service, **plus**

1.7% *times* FAS for each additional year (or fraction of) of Credited Service, up to a maximum of 30 years.

Participants may not retire under the DSH-25 Plan prior to December 12, 2002.

## Underlying Plans

### Retirement from Underlying 62/5 Plan:

Participants in the DSH-25 Plan, including vested members who have left City service, who became employed in an eligible position before June 28, 1995, and who do not meet the DSH-25 Plan's requirement of 25 or more years of Credited Service, may retire from the Basic 62/5 Plan, assuming service requirements have been met for the underlying plan. All requirements and benefits of the Basic 62/5 Plan will apply, including the ability to retire prior to age 62 with a benefit reduction (except in the case of vested members).

### Retirement from Underlying 57/5 Plan:

Participants in the DSH-25 Plan, including vested members who have left City service, who became employed in an eligible position after June 28, 1995 and before April 1, 2012, may retire from the 57/5 Plan **whether or not** the DSH-25 Plan's requirement of 25 or more years of Credited Service is met. All requirements and benefits of the 57/5 Plan will apply.

## Ordinary Disability Retirement

Tier 4 members are eligible for an Ordinary 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 that they ceased performance of their duties.

The Disability Retirement Benefit is equal to the greater of:

- $\frac{1}{3}$  of the member's FAS; **or**
- $1\frac{2}{3}\%$  *times* FAS *times* years of Credited Service; **or**
- If they are eligible for a service retirement, their Service Retirement Benefit.

### Three-Quarters Accidental Disability Retirement (RSSL §605-c)

NYC Deputy Sheriffs who become physically or mentally incapacitated for the performance of duties as the natural and proximate result of an Accident, not caused by their willful negligence, are entitled to a disability benefit equal to three-quarters of Final Compensation. Final Compensation is defined as wages earned during any five consecutive years (subject to certain limitations), minus 100% of the annual payment from the Workers' Compensation Board associated with the injury. In order to file an application for this type of disability benefit, members must be employed in a Deputy Sheriff title specified in the law at the time they file.



**World Trade Center Disability Law (RSSL §607-c)**

The World Trade Center (WTC) Disability Law provides that NYCERS members, vested members or retirees (retired after 9/11/01) who Participated in WTC Rescue, Recovery, or Clean-up Operations during a Qualifying Period may be entitled to a presumption that any current or future disability caused by a Qualifying Condition or Impairment of Health arose from participation in such operations, unless the contrary is proven. A Notice of Participation must have been filed no later than September 11, 2026. For more information, including death benefits for members or retirees who die from a WTC Qualifying Condition or Impairment of Health, visit NYCERS' website at [nycers.org](http://nycers.org) and review [WTC Disability Law Fact Sheet #703](#).

**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 the participant's beneficiary/beneficiaries if they 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. The participant was being paid on payroll at the time of their death;  
**or**
- b. They were off payroll or they were on an authorized leave without pay at the time of their death; **and**
  1. They were on payroll, in service, and paid within the last 12 months before death; **and**
  2. They were not gainfully employed since last on the payroll; **and**
  3. They had credit for one or more years of continuous service since they last entered the service of their employer**or**
- c. Effective October 1, 2000, the participant was on an authorized leave of absence without pay for medical reasons which has continuously been in effect since the participant was last paid on the payroll, provided the participant was in service and last paid on the payroll within the four-year period prior to the participant's death.

The ODB payable is a multiplication of the participant's yearly salary as indicated below:

- If they have at least one, but less than two years of service, a lump-sum benefit equal to one year's current salary
- If they have at least two, but less than three years of service, a lump-sum benefit equal to two *times* current salary
- If they 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 participant remains in active service beyond age 60.



Their beneficiary/beneficiaries will also receive a refund of their BMCs plus earned interest, and a refund of their AMCs if they rendered less than 15 years of Credited Service in a Deputy Sheriff covered title, plus earned interest.

If the participant has at least 10 years of Credited Service, is awaiting payability of a Vested Retirement Benefit, and dies prior to the date they would have completed 25 years of Credited Service or the age payable under their underlying plan, their beneficiaries will receive a lump-sum death benefit based on 50% of the ODB that would have been payable if the participant had died on their last day in active service, plus the refund of their BMCs, plus interest. If they die prior to having 15 years of Credited Service in a Deputy Sheriff covered title, AMCs plus interest will be refunded as well.

If the participant did not render 10 or more years of Credited Service, only the return of their BMCs and AMCs, plus interest, will be payable to the participant's Estate.

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

The annual benefit equals 50% of the wages the participant earned during their last year of service, or their annual wage rate if they had less than one year of service. Their BMCs are not refunded to their beneficiaries, but their AMCs will be refunded if they died prior to attaining 15 years of Credited Service in a Deputy Sheriff covered title.

## Special Accidental Death Benefit

A Special Accidental Death Benefit is a monthly payment in addition to the Accidental Death Benefit of 50% of Wages. The effect of this benefit is to continue paying the equivalent of the decedent's salary including earned overtime, night differential, longevity payments and any other type of pensionable earnings, where applicable.

If the member was in a Deputy Sheriff covered title and died of injuries sustained in the line of duty as the natural and proximate result of an accident, (not caused by their own willful negligence, or while in military service), the benefit is paid to:

- The widow/widower; **or**
- The children of the deceased (under 18 years of age or under the age of 23 if a student) **if** the widow/widower is deceased; **or**
- The parents of the deceased **if** there are no eligible children.

The Special Accidental Death Benefit is generally increased annually by a percentage determined on the basis of the Consumer Price Index (CPI). The maximum potential benefit will be reduced by the basic amount of any Social Security survivors' benefit and Workers' Compensation award.

