

# Correction Captain 20-Year Retirement Plan

Tier 3

This brochure describes the benefits of the 20-Year Retirement Plan for Correction Officers of the rank of Captain or above (CC-20 Plan).

The CC-20 Plan is available ONLY to NYCERS members of the rank of Captain or above who became employed by the NYC Department of Correction in a Correction Officer Title (COT) for the first time prior to October 19, 2004.

## PARTICIPATION

Any Tier 3 member of NYCERS who was employed in a COT of the rank of Captain or above on August 4, 1993 had the option to participate in the CC-20 Plan by filing an election form with NYCERS by November 3, 1993. **This option has expired.**

Any Tier 3 member of NYCERS prior to August 4, 1993 who subsequently becomes employed in a COT of the rank of Captain or above has an option to participate in the CC-20 Plan. An election form to participate in this plan (Form #166) must be filed within 90 days of becoming employed in a COT in the rank of Captain or above. **This election is irrevocable.**

Participation in the CC-20 Plan is MANDATORY for any person who became a NYC Correction Officer of the rank of Captain or above AND a Tier 3 member of NYCERS after August 4, 1993 but before October 19, 2004.

Participants who cease to hold a COT of the rank of Captain or above will no longer be able to participate in the CC-20 Plan.

Participants who terminate service from a COT of the rank of Captain or above and later return to the same title will again be required to participate in the CC-20 Plan.

## CONTRIBUTIONS

Effective October 1, 2000, Tier 3 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 date – 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 CC-20 Plan, you are also required to contribute Additional Member Contributions (AMCs) as follows:

- ▶ 5.11% of pensionable gross wages for all service rendered in a COT on or after December 19, 1990 until the present day



NYC EMPLOYEES'  
RETIREMENT SYSTEM

October 2022

**Except** for CC-20 members who were members of the Correction Officer 20-Year Retirement Plan (CO-20 Plan):

- On October 19, 2004; **and**
- Paid an AMC rate of 3.61%; **and**
- Were promoted to the rank of Captain or above on or after October 19, 2004,

who are required to pay:

- ▶ 3.61% of gross wages for all service rendered in a COT on or after December 19, 1990 to their date of appointment as a Correction Officer of the rank of Captain or above, and 5.11% thereafter.

AMCs must be paid on all pensionable gross wages earned from service rendered in a COT on or after December 19, 1990 and are required for the first 20 years of Service.\*

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

Please 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 the Member Contribution Accumulation Fund or the Retirement Reserve Fund (AMCs). If the deficit is identified prior to retirement, NYCERS will certify payroll deductions (where applicable) and notify the member so they can resolve the deficit.

If there is an unresolved deficit at retirement, an actuarial reduction (a lifetime reduction to your pension based on your deficit amount) can be applied to resolve the deficit.

## LOANS

CC-20 Plan participants may borrow up to 75% of the BMCs held in the MCAF account but may not borrow any portion of the AMCs held in the RRF account. Any loans taken are subject to the same terms and conditions applicable to Tier 4 members. Please consult the Tier 4 62/5 Summary Plan Description (SPD) or the Loans Brochure #911 for additional information.

## RETIREMENT ELIGIBILITY

Participants in the CC-20 Plan who were Tier 3 members in either any City position or in a COT below the rank of Captain on December 19, 1990 may retire under the CC-20 Plan with 20 years of **Credited Service**.

**ONCE AN ELECTION TO PARTICIPATE IN THE CC-20 PLAN IS FILED WITH NYCERS IT MAY NOT BE REVOKED.**

**\* Refer to the section "Retirement Eligibility" on pages 1 and 2 to see if you are subject to Credited Service or Allowable Service.**

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Participants in the CC-20 Plan who were hired in a COT below the rank of Captain after December 19, 1990, may retire under the CC-20 Plan with 20 years of **Allowable Correction Service**.

### Credited Service

Credited Service counts most public service rendered in New York City or New York State towards calculating your retirement benefit. Credited Service includes: Membership Service, Transferred Service, all Purchased Service, Military Service, Union Leave Service, Part-time Service and Purchased Service for periods of Child Care Leave.

### Allowable Correction Service

Allowable Correction Service is defined as Membership Service while employed in a Correction Officer Title (COT); and service rendered in another uniformed force (NYC Housing Police, NYC Transit Police, NYC Department of Sanitation, NYC Police Department or NYC Fire Department) immediately prior to your appointment to a COT provided that such other uniformed service was credited by NYCERS or transferred from the NYC Police Pension Fund or NYC Fire Department Pension Fund.

Allowable Correction Service also includes certain Military Service, Union Leave Service and Purchased Service for periods of Child Care Leave and previous service in a COT.

Allowable Correction Service **does not** include other public service rendered in New York State or New York City, e.g., service rendered in a clerical position in another agency. **Only Allowable Service can be used to qualify for Service retirement from the CC-20 Plan.**

### CHILD CARE LEAVE

Participants in the CC-20 Plan may purchase up to one year of service credit for each instance of authorized child care leave\*\* if they:

- Are in active service, AND:
- Apply within 90 days of termination of the child care leave by filing Application to Purchase Service for Child Care Leave Form #246; AND
- Pay an amount equal to what their required contributions would have been during the child care leave, plus accrued interest.

\*\* You can only receive up to one year of service for each period of authorized child care leave.

### 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. Members with between 5 and 10 years of Credited Service must also waive their right to a Vested Retirement Benefit.

Refunds of BMCs are not possible for members with 10 or more years of Credited Service.

Participants who cease to hold a COT for any reason whatsoever and who have rendered less than 15 years of Service\* in a COT have the option of withdrawing their AMCs, plus accrued interest. AMCs may also be withdrawn if a participant with less than 15 years of Allowable Service in a COT changes titles to a non-COT and remains in City service. In this case, after receiving the refund of AMCs, such participant will no longer be entitled to a benefit under the CC-20 Plan, but will 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 Service\* rendered in a COT, except in cases of death of such participants. A participant who ceases to be employed as a COT and withdraws their AMCs (and earned interest), and later becomes a participant again, will be charged with a deficit (including 5% per-annum statutory interest) calculated as if such AMCs had never been made. Payment of a deficiency can be made in a lump-sum or through payroll deductions.

### VESTED RETIREMENT

If a participant ends their employment with at least five (but less than 20) years of Service\*, two of which are Membership Service, they will be entitled to a Vested Retirement Benefit. The Vested Retirement Benefit is calculated using the following formula:

$$2.5\% \text{ times Final Average Salary (FAS) times Years of Service}^*$$

This benefit becomes payable on the date the participant would have completed 20 years of Service\*.

### SERVICE RETIREMENT

Participants in the CC-20 Plan are eligible to receive a Service Retirement Benefit upon attaining 20 or more years of Service.\* The Service Retirement Benefit is calculated using the following formula:

$$50\% \text{ of FAS for the first 20 years of Service,* plus } 1 \frac{2}{3}\% \text{ times FAS times the number of years of Service* in excess of 20 up to a maximum of 30 years of Service}^*$$

FAS 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 your 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.

The escalation of benefits provisions applicable to Tier 3 general members do not apply to CC-20 participants.

\* Refer to the section "Retirement Eligibility" on pages 1 and 2 to see if you are subject to Credited Service or Allowable Service.



**RETIREMENT FROM UNDERLYING PLAN**

Participants, including vested members, in the CC-20 Plan who do NOT meet the 20-year Allowable Service requirement to retire under the CC-20 Plan may retire under the CO-25 Plan (see Correction Officer 25-Year Retirement Plan Brochure #920) or Tier 3 62/5 Plan, as applicable, assuming service requirements have been met for the underlying plan.

**DISABILITY RETIREMENT**

Members in a Correction Officer Title who become physically or mentally incapacitated and can no longer perform the duties of their job title may apply for Disability Retirement Benefits. There are four separate disability provisions in the NYS Retirement and Social Security Law (RSSL) under which they may qualify. The chart below summarizes the qualifications and the benefits provided under each of these provisions. In addition, members in a Correction Officer Title are covered under certain special disability provisions described in the section Other Disability Benefits on page 4.

**CORRECTION FORCE DISABILITY PROVISIONS AT-A-GLANCE**

	Ordinary	Accidental	Dual Purpose Disability Statute	Performance-of-Duty (also see HAT Law, p. 4)
<b>RSSL Section</b>	506	507	507-a	507-c
<b>What is the service requirement?</b>	5 or more years of Credited Service	None	10 or more years of Credited Service. If less than 10 years, may qualify if injury is due to on-the-job accident.	None
<b>How does the member qualify for disability?</b>	Member qualifies if the Social Security Administration finds them to be disabled and awards Primary Social Security Disability Benefits.	Member qualifies if the Social Security Administration finds them to be disabled as the natural and proximate result of an accident sustained in active service and the accident was not the result of the member's own willful negligence and awards Primary Social Security Disability Benefits. NYCERS' Medical Board must also determine if the injury was caused by an accident.	NYCERS' Medical Board determines that the member is physically or mentally unable to perform the duties of their job title. If the member has less than 10 years of service, the Medical Board must also determine if the injury was the natural and proximate result of an accident not caused by their own willful negligence.	NYCERS' Medical Board determines that the member is disabled as the natural and proximate result of injuries sustained in the performance of duties by an act of an inmate or any person confined under the jurisdiction of the Department of Correction or Department of Health.
<b>How is the disability benefit calculated?</b>	The greater of: 1/3 times Final Average Salary (FAS) <b>OR</b> 2% times FAS times Credited Service up to 30 years, reduced by 100% of any Workers' Compensation benefit and 50% of the Primary Social Security Disability Benefit	60% times FAS reduced by 100% of any Workers' Compensation benefit and 50% of the Primary Social Security Disability Benefit	The greater of: 1/3 times FAS <b>OR</b> 1 2/3% times FAS times Credited Service, <b>OR</b> The Service Retirement Benefit, if eligible for Service Retirement	75% times FAS, reduced by 100% of any Workers' Compensation benefit



## OTHER DISABILITY BENEFITS

### Heart Law (207o)

The Heart Law provides a presumption that a disease of the heart was incurred in the performance of duty. Members in a Correction Officer Title who are approved for disability under the Heart Law are entitled to a disability benefit equal to 75% of FAS minus 100% of the annual payment from the Workers' Compensation Board associated with the disease of the heart. This presumption may be rebutted by competent medical evidence.

### Hepatitis, AIDS and Tuberculosis (HAT) Law (507c)

The HAT Law provides that a member in a COT 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. Members approved for disability under this law are entitled to a disability benefit equal to 75% of FAS minus 100% of the annual payment from the Workers' Compensation Board associated with the disease. The presumption may be rebutted by competent medical evidence.

### World Trade Center Disability Law(507c)

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 be filed no later than September 11, 2026. For more information, visit NYCERS' website at [www.nycers.org](http://www.nycers.org) and review the WTC Disability Law Fact Sheet #703.

## DEATH BENEFITS

In the event of a member's death prior to retirement, their beneficiary/beneficiaries may be entitled to a death benefit. There are two primary types of death benefits: Ordinary Death Benefit and Accidental Death Benefit.

The Ordinary Death Benefit is:

- Three times the member's salary, *plus*
- A refund of their BMCs, plus interest, *and*
- A refund of the member's AMCs, plus interest.

The Ordinary Death Benefit is payable only if the member was in City service for at least 90 days and was in active service at the time of their death.

The Accidental Death Benefit is an annual benefit of 50% of the member's wages during their last year of City service.

The Accidental Death Benefit is payable to an Eligible Beneficiary (defined in law in a priority order, not designated by you) if the member was in active service at the time of their death and their death was the result of an accidental injury sustained in the performance of duties.

### Heart Law - Accidental Death Benefit

Members in a Correction Officer Title who die from a disease of the heart may be entitled to a presumption that the disease was incurred in the performance of duty, unless the contrary is proven by competent medical evidence. Their Eligible Beneficiary/Beneficiaries would be entitled to the Accidental Death Benefit and Special Accidental Death Benefit which are paid in accordance with the relevant statutes(s) that govern such benefits.

### World Trade Center Law - Accidental Death Benefit

The World Trade Center (WTC) Law provides that deceased 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 their death was caused by a Qualifying Condition or Impairment of Health which arose from participation in such operations, unless the contrary is proven. A Notice of Participation must be filed no later than September 11, 2026. For more information, visit NYCERS' website at [www.nycers.org](http://www.nycers.org) and review the WTC Disability Law Fact Sheet #703.

## SPECIAL ACCIDENTAL DEATH BENEFIT

A Special Accidental Death Benefit is a supplemental monthly payment in addition to the Accidental Death Benefit of 50% of Wages. The effect of the Special Accidental Death 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 Correction Officer 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, 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.

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.

