



SUMMARY PLAN DESCRIPTION

New York City Police Pension Fund
Tier 3 Members

New York City Police Pension Fund

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Introduction

This booklet is called the Tier 3 Summary Plan Description (“SPD”). This SPD applies to the following Tier 3 plans: Original, Revised, and Enhanced. It is published by the New York City Police Pension Fund (“NYCPPF,” “PPF,” “Fund”), and is intended to summarize all of the provisions relating to the retirement plan, programs and other benefits offered to members employed by the New York City Police Department (NYPD) who are subject to Tier 3.

Laws affecting the plan can be added to or changed at any time, which may result in discrepancies within this SPD. In the event of a conflict between the contents of this booklet and any applicable law and/or rules, including, but not limited to, the Administrative Code of the City of New York (“NYCAC”), the New York State Retirement and Social Security Law (“RSSL”), and the Rules of NYCPPF, the applicable Law or Rule will govern.

About PPF

In 2001, legislation provided Corpus Funding for the Pension Fund to begin operations in September 2002 at its new location at 233 Broadway in New York City. The PPF is governed by the Board of Trustees. The Comptroller of the City of New York is Custodian of the funds of the System, and by delegation of the Board of Trustees, has the power to invest those funds. The Executive Director is the chief administrative officer of the agency. The Chief Actuary for the City of New York provides actuarial services to the PPF. The Office of Corporation Counsel provides legal services to the Fund.

NYCPPF is a defined benefit plan, meaning that a specific benefit is provided at retirement in amounts that are paid either on a fixed-dollar basis or as a percentage of compensation. PPF manages the Fund’s invested assets and pays out benefits according to formulas set forth in New York State and City laws. In general, Tier 3 members are governed by Article 14 of the RSSL, the NYCAC, the Rules of the Fund and certain other applicable statutes.

How to Contact PPF

At PPF, protecting and securing the privacy of member data is a top priority. That is why before taking action on private and confidential pension matters, a personal visit to our office, a written and signed (in some cases notarized) communication, or a judicial subpoena is required. PPF staff does not respond to telephone or e-mail inquiries relating to private member information because the identity of the caller or e-mail writer cannot be confirmed.

To communicate with PPF by fax, members are advised to identify a specific staff member in advance and to send the fax directly to the staff member using the fax number specified. Always retain copies of the fax and fax receipt.



For answers to questions of a **general** nature concerning retirement and pensions, please call PPF at (212) 693-5100; or visit the Pension Fund at 233 Broadway, 19th Floor, New York, New York 10279.

The Fund will respond promptly and completely to pension questions. PPF’s ongoing mission is to provide excellent service to every member.

Serving the Finest Online



Members can find the answers to many questions quickly and conveniently by visiting the PPF website: www.nyc.gov/nycppf. A host of information can be found there regarding benefits, recent pension legislation, and frequently asked questions. Forms may be downloaded for most changes members wish to make, such as beneficiary, guardian, and buyback applications for active members and retiree forms for change of address, direct deposit and Municipal Credit Union deductions, among other forms.



Members can also ask general questions by emailing the Fund directly at policepensioninquiries@nycppf.org. The Fund cannot answer member specific questions regarding financial information or provide legal or tax advice.

The Fund is also now on Facebook! Members, their beneficiaries, and fans of the Fund can “like” us on Facebook at www.facebook.com/nycppf.



In person and online, PPF is proud to be serving the FINEST.

Membership

Uniformed members of the New York City Police Department appointed on or after July 1, 2009 are subject to Article 14 of the RSSL, also known as Tier 3. Contributions to the Fund must be made while employed with the NYPD, but are not required after 25 years of service. Membership in the Fund ceases upon withdrawal of contributions. There are three different plans within Tier 3: Original, Revised, and Enhanced.

Members appointed	Plan
Between July 1, 2009 – March 30, 2012	Tier 3 Original
Between April 1, 2012 – March 30, 2017	Tier 3 Revised
On or after April 1, 2017	Tier 3 Enhanced

Tier 3 Original or Revised members who elected to opt-in to Tier 3 Enhanced are subject to the rights, benefits, and provisions provided by the Enhanced plan.

Credited Service

Participation in the Fund is mandatory for uniformed members of the service. A member will not receive retirement credit for any day not on the payroll, e.g., suspended without pay leave. Military service with the federal government may be credited pursuant to New York State Military Law §243, the Uniformed Services Employment and Reemployment Rights Act (USERRA), and RSSL §1000, as explained below.

Prior Service Credit¹

A member is eligible to obtain service credit for any New York State Police and Fire time, or service with the New York City Fire Department. This credited service may count toward the requirements for vesting and retirement.

Transfer to New York City Police Pension Fund

A member may transfer to the NYCPPF from another public retirement system within the State of New York. In Tier 3, transferring prior City or State service, other than Police or Fire time, does not provide any additional monetary benefit, nor does it change your Service Retirement eligibility date. However, members with a membership in a New York public pension fund that began prior to July 1, 2009 will become Tier 2 members of the PPF upon completion of a proper transfer. Before deciding whether to transfer service from another pension system, an eligible member should speak with Membership Services at (212) 693-5850.

Buyback of Prior Service

Chapter 646 of the Laws of 2000

Chapter 646 of the Laws of 1999 amends RSSL § 645, which allows for the purchase of prior service in another retirement system even though that membership has ceased. Chapter 646 may allow for a Tier change or Tier reinstatement. A member who may be eligible to purchase service under this provision should contact Membership Services at (212) 693-5850 for further information.

Chapter 552 of the Laws of 2000

Chapter 552 of the Laws of 2000 allows members the ability to purchase any prior service rendered before becoming a member of the Fund, or any other New York State or New York City retirement system, but there may not be any advantage to doing so. For further information regarding Chapter 552 buybacks contact Membership Services.

¹ Please be advised this is the PPF's current understanding of the applicable laws regarding prior service credit. Such laws, and their interpretation, may be subject to change. Please contact the Fund before initiating a transfer for buyback for advice regarding prior service.

Military Service, RSSL § 1000

Chapter 548 of the Laws of 2000 created New York State Retirement and Social Security Law (“RSSL”)§ 1000; this allowed former members of the Armed Forces of the United States during certain periods of conflict or in certain combat areas to buy back their military service as uniformed time.

On May 31, 2016, Chapter 41 of the Laws of 2016 was enacted, amending RSSL §1000 by removing the specified periods of time, medal requirements, and theaters of operation in which military service would have to have been rendered for a pre-membership service purchase. Members need only have been honorably discharged from the military to be eligible to purchase pre-membership service credit pursuant to RSSL §1000. This law is not retroactive and does not permit retired members to purchase service credit.

RSSL §1000 service purchases grant an active member who has five years of credited service, not including the military service being purchased, the eligibility to purchase up to three years of military service for pension credit. The member must be able to produce a DD-214 demonstrating an honorable discharge from any branch of the U.S Armed Forces.

The member must render payment for the service credit as follows:

- *If the member has a membership date with PPF on or prior to March 31, 2012:*
 - 3% of the member’s compensation earned during the 12 months of credited service immediately preceding the application date multiplied by years of military service claimed
- *If the member has a membership date with PPF on or after April 1, 2012:*
 - 6% of the member’s compensation earned during the 12 months of credited service immediately preceding the application date multiplied by years of military service claimed.

The member must apply and remit payment for service credit before the effective date of retirement. In the event of retirement prior to completing payment for the service credit purchase, the amount of service credited to the member shall be proportional to the total amount paid. If upon death, retirement, or separation, the service purchase does not produce a greater benefit, the cost of the service purchase must be refunded to the member with interest.

Retroactive Military Seniority (RMS)

Retroactive Military Seniority (RMS) is awarded to a member after being appointed to the NYPD from a special list, retroactive to the date the member would have been appointed had the member not been serving in the military. Members who receive RMS from the Department of Citywide Administrative Services (DCAS) receive pension credit retroactive to the date awarded by DCAS. Upon receipt of a letter from DCAS stating the member has RMS, the member is immediately entitled to the same rights, privileges and obligations as if he had served continuously in such position from the date of his appointment.

A member's membership date will be adjusted to reflect the RMS Date (RMSD) found in the letter from DCAS; the member's tier and contribution rate are also adjusted accordingly. Members with RMS must, however, make pension contributions that were missed during the period between the RMSD and appointment to the NYPD.

Contributions must be completed within the repayment period prescribed by law; the maximum repayment period is the time from the RMSD to the NYPD appointment multiplied by 3, up to a maximum of 5 years. Once contributions are completed within the repayment period, the City is required to credit the member's contribution account with the interest that would have credited during this period.

Members may pay for this time in a lump sum payment or enroll in bi-weekly payroll deductions. Please note Tier 3 members may not retire with a shortage; accordingly, RMS payments must be completed prior to retirement. Additionally, payments must be completed by the end of the repayment period, which is calculated as the number of years from the RMS date to the NYPD appointment date multiplied by 3, up to a maximum of 5 years.

Please note a member cannot receive RMS and credit for the same military service through a buyback. Members who have already completed a RSSL §1000 buyback for the same time will receive a refund for the buyback or the City will credit the money toward the RMS payment.

Inquiries regarding eligibility for RMS pension credit should be submitted in writing to the Police Pension Fund, attention Membership Services, 233 Broadway, 19th Floor, New York, New York 10279. General questions may be directed to the Membership Services division at (212) 693-6860.

Contributions

Contributions to the New York City Police Pension Fund are mandatory for all members, but are not required after 25 years. Contribution rates vary by Tier 3 plan. Pensionable earnings consist of: base salary, overtime, night differential, holiday pay, worked vacation, portal to portal and allowable longevity. Member contributions are based on gross pay and will be deducted from pay before federal taxes are deducted.

Contribution Rates

Member contributions and the interest they earn are known as accumulated contributions. The Tier 3 rate of interest is currently 5%. A member's accumulated contributions must equal the required amount (the 3% contribution rate plus statutory interest) to be eligible for a pension.

Plan	Contribution Rate
Tier 3 Original	3%
Tier 3 Revised	3%
Tier 3 Enhanced	4%*

** Tier 3 Enhanced members contribute 3% of pensionable earnings PLUS an additional contribution rate to help fund the enhanced disability benefit. Currently, the additional contribution rate is 1%; the 1% can be raised to 3% based on a financial analysis by the Office of the Actuary every three years. At no time can the total contribution rate exceed 6%.*

Taxability of Contributions

Tier 3 Original and Revised contributions are taken pre-tax. Tier 3 Original and Revised members who opt into Tier 3 Enhanced will have split taxability: the base 3% is pre-tax, however the additional contribution (currently 1%) will be taken after tax.

Tier 3 Enhanced contributions in their entirety are taken pre-tax only for members appointed on or after April 1, 2017.

Longevity

For members with at least 20 years of credited service, but less than 25 years of credited service, the salary at the 10-year longevity level will be used in pension computations and for computation of the earnings cap. For members with 25 or more years of credited service, the salary at the 20-year longevity level will be used in computations.

Member Contributions While on Military Leaves

Members may take military leaves with or without pay during their career with the NYPD; however, all members must be given the opportunity to purchase pension credit for such leaves.

In 2014, the City reached a settlement with the United States Attorney's Office regarding the calculation of pensionable earnings and member contributions for members on active duty military leaves from the NYPD pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301–35 ("USERRA"). USERRA requires military service members' pensions—as well as employer and employee contributions to pension plans—to be computed based on the rate of compensation the employees would have received but for their periods of military service. Pursuant to the Settlement Agreement, PPF must impute, for purposes of pension calculations, overtime and night-shift differential compensation that members would have earned had they not taken military leaves during their careers with the NYPD.

Active PPF members who performed Active Military Service and returned to NYPD service between September 11, 2001 and March 17, 2014 may voluntarily elect to have their pensionable earnings recalculated. Such members may schedule a counseling session with a military advisor by contacting Membership Services at (212) 693-6860 and/or complete PPF Form 86: Recalculation Request, which is available at www.nyc.gov/nycppf.

Active PPF members who return to the NYPD from Active Military Service on or after March 18, 2014 must have their pensionable earnings calculated as described below.

What Does the Calculation Entail?

For each period of time when a member performed active military service after September 11, 2001, PPF will determine how much compensation the member would have earned, but for the period of military service. For example, the member may ordinarily have earned overtime or night-shift differential compensation, but missed the opportunity to do so because of military obligations. Military service begins on the day a member begins his or her leave from the NYPD for the purposes of military service; this may include use of annual leave and/or compensatory time. The military service is deemed completed on the day before the member returns to the NYPD.

To determine the amount of earnings a member would have earned, PPF will average any additional differential payments and overtime the member earned during the 12 months immediately preceding his or her active military service. PPF will then add the base pay to the imputed earnings to reach the pensionable earnings for the military leave. Members are responsible for making additional pension contributions to the Fund.

Refunds

A member may withdraw any excess funds within six months of appointment or at the time of retirement. Excess created by errors of the Fund will be returned upon identification.

If a member separates from the Fund for reasons other than retirement (resignation, termination, or death) a request for a refund of accumulated contributions plus interest may be made. If contributions are left with the Fund, the money will continue to earn interest for a maximum of five years from the date of separation. For further information on refunds, please refer to the Fund's website, www.nyc.gov/nycppf, or call 212-693-5100 for assistance.

Withdrawal of Contributions

Contributions may be withdrawn until a member has 10 years of credited service. After 10 years of service, contributions may not be withdrawn and members will receive a vested retirement benefit. In the event of a resignation or dismissal, a member who is not vested or entitled to any other benefit under Tier 3 may withdraw accumulated contributions.

Shortages

A shortage occurs when a member's pension account balance falls below the required amount. Members are responsible for any account shortages; there is no actuarial offset if a member has a shortage at retirement. Unfortunately, a member will not be permitted to retire with a shortage.

Shortages may occur because of delays in contract settlements. Retroactive pay from a contract settlement does not include the interest that would have been earned on these contributions. Interest earned on contributions is part of a member's required amount; therefore, a shortage can occur.

The Fund will notify any member with a shortage prior to retirement. Members may opt to make a lump sum payment(s) or biweekly payroll deductions to reduce any shortage.

Loans

There is no provision in Tier 3 that allows a member to take loans.

Retirement

When a member decides to retire, there is no statutory minimum time period by which the member must file before retiring. However, it is recommended that applicants for Service Retirement call the Retirement Counseling Unit at the PPF at (212) 693-5733 for an appointment three to four weeks before filing for retirement.

Filing for retirement should be done in person at least 10 days prior to the start of terminal leave. Patrol Guide Procedure 205-42 authorizes members to take an administrative tour to appear at the Fund to file for retirement.

Pension checks are mailed to the home address on file with the Fund unless a member requests otherwise. Members may have pension payments directly deposited to any bank upon the submission of an Electronic Funds Transfer (EFT) Form. Change of address forms and EFT forms are available at the Fund and on the website (www.nyc.gov/nycppf under “Forms”). It is the member’s responsibility to keep address information current with the Fund, even after retirement.

Procedures for all members applying for retirement

Property Receipt—Discontinuance of Service (PD 520-013)

This form must be completed and signed by the Commanding Officer of the member’s permanent command, or an officer at least a rank above the member within the command, and delivered by the member to the PPF’s Retirement Counseling Unit. The field, “Next Scheduled Tour After Leaves, Except Terminal Leave” must be filled out on this form. The date in this field is the starting date of terminal leave. It is the responsibility of the member to return Department property to the appropriate locations. A member appearing at PPF for retirement must be in possession of his shield and identification card.

Firearms

Members who are New York City residents and wish to obtain a New York City Pistol License must submit a notarized NYPD Handgun License Application (PD-643-041) to be delivered in person to the NYPD License Division, Room 110, 1 Police Plaza (8:30 a.m. to 3:00 p.m., Monday-Friday). The Application should be submitted two weeks prior to the member’s scheduled appointment for retirement processing, otherwise the member may be subject to vouchering firearms until the permit is processed.

To obtain the Handgun License Application, visit www.nyc.gov/nypd, and select “Permits” at the left of the page. Additionally, complete the “Acknowledgement of Person Agreeing to Safeguard Firearms” and, if necessary, “Affidavit of Co-habitant.” Questions regarding the Handgun License Application should be directed to the License Division at (646)610-5536. Members who are not New York City residents must provide a copy of the Property Clerk Invoice (PD 521-141) for all firearms listed on the NYPD Force Record Card.

If the member is not returning to work, a copy of this form must be provided to PPF before the retirement process begins. In all other cases, a copy of this form must be provided before terminal leave begins. If terminal leave is waived, PPF requires the form before the retirement date. For questions regarding firearm licenses outside New York City, please contact the relevant county or municipality.

Health Insurance Information

Members, and in some cases their beneficiaries, may be eligible for health benefits from the City of New York. A member needs at least 10 years of credited service to be eligible for health benefits upon retirement.

Health benefits are only available to a person actually collecting a pension.

For example, a member who vests with 10 years of service and does not collect a retirement allowance until what would have been the member's 22nd anniversary is not eligible for health benefits until the Fund begins to disburse the retirement allowance. Likewise, a member who retires with 22 years of service and elects to defer payment of the pension until what would have been 25 years for escalation purposes would not be eligible to receive health benefits until collection of the pension benefit.

Members should contact Employee Health Benefits at the NYC Office of Labor Relations at 40 Rector Street, New York, NY 10006 or (212) 306-7390 for further information regarding health benefits.

For health insurance purposes, the following information must be provided when a member appears at the Fund to retire:

- ✓ GHI, HIP or other health plan card;
- ✓ Spouse's date of birth and Social Security Number;
- ✓ Date of marriage;
- ✓ Dates of birth and Social Security Numbers of dependent children;
- ✓ If spouse is employed and has health insurance, bring pertinent information (name of employer, health plan, and policy number).

Counseling Process

During the counseling process at the PPF, members are advised regarding health insurance, pension options, employment restrictions, withholding tax and other important retirement issues. The member's retirement date will be set, and questions unique to the member's situation will be answered. In addition, estimates for both final pension and pre-finalization pension will be provided.

Estimate of Final Pension

An applicant for retirement will receive a pension estimate after meeting with a retirement counselor—this is only an estimate. Any additional overtime, night differential and worked vacation earned between the estimated retirement date and the actual retirement date will be included at finalization. Any difference in monthly average earnings between the retirement processing date and the finalization date will be disbursed as a retroactive payment.

Terminal Leave

Members are entitled to take all accrued time and terminal leave after the last day on active duty. All accrued time must be used prior to the start of terminal leave. During terminal leave, members remain on the active payroll.

Application Withdrawal

A member being processed for Vested or Service Retirement may withdraw the retirement application while it is still pending by appearing at PPF in person at least one business day prior to the scheduled retirement date. Any terminal or annual leave used prior to withdrawal of the retirement application may not be restored; however, unused terminal leave may be used toward a future retirement. A member must work 30 days after withdrawing an application for retirement to be eligible for annual leave in the next calendar year.

Final Average Salary

The compensation base that is used to calculate a pension benefit is referred to as your Final Average Salary (FAS). Your FAS is defined in law as the average of wages earned by a member during a certain continuous period of employment for which the member was credited with service. The FAS period is different in the various Tier 3 plans. The FAS is not determined by a mere average of wages.

Due to a provision in law referred to as the “Kingston Limitation,” wages earned in any one year used in the FAS computation cannot exceed the average of prior years by more than 10 percent. If the wages earned in one year of the FAS exceeds the average of the previous four years by more than 10 percent, the amount in excess of 10 percent is excluded from the FAS. The period of exclusion under the Kingston Limitation is different throughout the various Tier 3 plans.

If the member was on a leave of absence without pay (e.g. suspension) at any time during the FAS period, that time will be excluded from the calculation and the same period of time immediately preceding the FAS period will be included for the final average salary.

Tier 3 Original

Tier 3 Original (Tier 3 Original who Opt into Tier 3 Enhanced and retires for Vested or Service)	Tier 3 Original Opts Into Tier 3 Enhanced (and retires for disability)*
Average wages earned by a member during any 3 consecutive calendar years or 36 months immediately preceding the member's retirement date that provides the highest average wage. If the wages earned during any year included in the period exceeds the average of the prior two years by more than 10%, the amount in excess of 10% shall be excluded.	Average wages earned by a member during any 5 consecutive calendar years or 60 months immediately preceding the member's retirement date that provide the highest average wage. If the wages earned during any year included in the period exceeds the average of the prior four years by more than 10%, the amount in excess of 10% shall be excluded.

*Tier 3 Original members who opt into Tier 3 Enhanced will only see this changed in their FAS if they retire for a disability retirement. The Original FAS calculation remains for members who retire for Vested or Service retirement.

Tier 3 Revised and Enhanced

FAS is the average wages earned by a member during any **5 consecutive calendar years** or **60 months immediately** preceding the member's retirement date that provide the highest average wage.

If the wages earned during any year included in the period exceeds the average of the **prior four years** by more than 10%, the amount in excess of 10% shall be excluded.

Social Security Offset

Pension benefits in Tier 3 are reduced by a Social Security Offset at age 62, regardless of whether the member is in receipt of Social Security Benefits, or at such time the member is eligible for Social Security Disability Benefits, if earlier than 62.

The Social Security Offset is determined at the time of the member's retirement. All public earnings in New York State up to the point of retirement from the NYPD will be factored into the calculation of the Offset. The payment will not be reduced if the Social Security benefit increases after separation from service.

Tier 3 Enhanced members who retire for a disability will not have their pension benefits reduced by the Social Security Offset.

Mandatory Retirement

A member must separate from uniformed service upon turning 62 years old. The separation must occur regardless of whether the member is eligible for a Normal Service Retirement.

- Members appointed between July 1, 2009 and March 31, 2012: The retirement benefit may be calculated the same as Early Service Retirement, or the member may be entitled to a Vested benefit. This Vested benefit will be reduced 1/15th for each year that a member's early retirement age is in excess of age 60, as described in the Vested Retirement section. Members who must retire for mandatory retirement and do not have 20 years of service are not eligible for the VSF.
- Members appointed on or after April 1, 2012: If a member attains mandatory retirement age and does not have enough service credit for an Early Service Retirement, the member must take a Vested Retirement. Accordingly, if a member reaches age 62 with less than 20 years of NYPD service, the member is not eligible for the VSF.

Vested Retirement

After five years of uniformed service a member is eligible for vested retirement benefits. Vested retirees are not entitled to terminal leave before separation from service, nor eligible for Variable Supplement Fund payments.

A member may elect to receive the Vested benefit early, if the member attains age 55 prior to reaching the 20th anniversary; otherwise the member must wait until the 20th anniversary to begin collecting the Vested retirement benefit. Should the member receive the Vested benefit before attaining the 20th anniversary, the benefit will be reduced by 1/30th for each year the benefit commenced before the 20th anniversary.

While a member may collect a Vested benefit upon attainment of the 20th anniversary of NYPD service, or age 55 with a possible reduction, it is not required. A member may decide to defer payment of the vested pension benefit until 22 years and one month or more, up to 25 years, to be eligible for annual escalation.

For the member appointed at age 25 and resigned with 10 years of vested service at age 35, the benefit may be deferred for any amount of time between ages 47 and 50 to receive either full or partial escalation benefits depending on the deferral period. See the Escalation section of this SPD for an explanation of how appropriate escalation is calculated.

The vested pension benefit is as follows:

2.1% of the final average salary x years of credited service

-minus-

50% of primary Social Security benefit commencing at 62

Early Service Retirement

A member is eligible for Early Service Retirement after the completion of 20 years of uniformed service. Only members appointed between July 1, 2009 and March 31, 2012 are eligible to retire for Early Service if they reach mandatory retirement age with less than 20 years of credited service.

An Early Service Retirement pension benefit is as follows:

2.1% of FAS x years of credited service (for first 20 years)

-plus-

1/3% of FAS for each month in excess of 20 years

[total benefit not in excess of 50% of FAS]

-entire benefit above less-

50% of primary Social Security benefit commencing at 62

Normal Service Retirement

A member is eligible to retire for Service without reduction upon the completion of 22 years of uniformed service.

The Normal Service Retirement benefit is:

50% of FAS-less-

50% of primary Social Security benefit commencing at 62

Disability Retirement

An application for Ordinary or Accident Disability may be made by a member in active service who is incapacitated from performing the duties of a police officer. Applications for ODR and ADR are made at the Medical Division, 1 Lefrak City Plaza, 59-17 Junction Boulevard, Corona, New York, 11368. Applicants will be notified of the time to appear before the Medical Board for examination.

A disability application may be filed by the member or a legally authorized person acting on the member's behalf; or by a committee or conservator duly appointed by a court of competent jurisdiction; or by the Police Commissioner.

To apply for ODR or ADR, Tier 3 Original and Revised members must sign a waiver of the statutory presumptions. A determination of disability should be made by the Medical Board regardless of any statutory presumptions (except the World Trade Center presumption). Tier 3 Enhanced members are entitled to the benefit of statutory presumptions, which include the Heart Bill and the Exposure (HIV, AIDS, Hepatitis, and Tuberculosis) Bill.

After the examination, the Medical Board will report to the NYCPPF Board of Trustees with a recommendation for approval or disapproval of the disability application. After the Board of Trustees meeting, members are informed of the decision and other necessary information.

Ordinary Disability Retirement (ODR)

To be eligible for Ordinary Disability Retirement, a member must be in active service and have at least five years of credited service, but not yet be eligible for a Normal Service Retirement benefit. To retire for ODR a member must also be eligible to receive primary Social Security disability benefits. If a member is also found to be disabled by the Medical Board, ODR benefits commence on or after receipt of primary Social Security disability benefits.

The Ordinary Disability Retirement benefit is the greater of:

33 1/3 % of FAS

-or-

2% of FAS x years of credited service

-either benefit above, less-

50% of primary Social Security Disability benefit, if applicable

Accident Disability Retirement (ADR)

To be eligible for ADR, a member must be in active service and be physically or mentally incapacitated for the performance of duty as the natural and proximate result of an accident sustained in active service and not caused by the member's own willful negligence. Vested members are not eligible to apply for ADR benefits under WTC laws until they reach their 20th anniversary and are collecting retirement benefits. Receipt of ADR is not conditioned on eligibility for, or receipt of, primary Social Security benefits. Accordingly, payment of a benefit from the Fund will commence after approval by the PPF Board of Trustees.

ADR pensions are generally not subject to taxation. All other pensions (Normal Service, Early Service, Ordinary Disability and Vested) are subject to Federal tax, but are exempt from New York City, New York State and Social Security taxes. The tax laws of all states are different and subject to change; if relocating after retirement, the Fund recommends researching the state's tax laws, or consulting a tax professional.

A Tier 3 ADR pension is calculated as follows:

Tier 3 Original and Revised	Tier 3 Enhanced
50 % of FAS less 50% of primary Social Security Disability	75 % of FAS

Escalation

Members may be eligible for Escalation on their pension. Escalation is a post-retirement increase (or decrease) to retirement benefits based on the Consumer Price Index (CPI). If the payment of benefits commences on the Full Escalation Date, which is defined as the first day of the month following the date, an eligible Tier 3 member completes or would have completed 25 years of Credited Service, the Escalation is equal to the lesser of 3% or the increase in the CPI. In the event of a decrease in the CPI, the annual retirement benefit shall be decreased by the lesser of 3% or the amount of the decrease in the CPI.

Tier 3 Enhanced members who retire for a disability, do not receive escalation, rather Cost of Living Adjustments (“COLA”).

Full Escalation Date

The full escalation date is calculated as follows for different retirement types:

- **Vested and Service Pensions:** The first day of the month after a member completes, or would have completed 25 years of service.
- **Disability Pensions (Tier 3 Original and Revised only):** The first day of the month following the day on which a disability retiree first becomes eligible for ODR/ADR.
- **Death Benefits:** The first day of the month following the day on which a beneficiary first becomes eligible for a death benefit paid as other than a lump sum.

Partial Escalation

Partial escalation is calculated on benefits that commence prior to the member’s full escalation date. A member will receive 1/36th of the full escalation rate for each month the benefit starts after the 22nd police anniversary.

Deferred Benefit for Escalation – 22 years of service or less

A member who retires for Early Service or Vests with less than 20 years of credited service may choose to defer the retirement benefit for the purpose of becoming eligible for annual escalation, in exchange for a reduction in their pension. The reduced pension benefit would then be calculated as follows:

$2\% \times \text{FAS} \times \text{each year of credited service}$
-less-
50% of the Primary Social Security Benefit at age 62

If a member chooses the above option, the member will receive the escalation rate in effect at the time pension benefits become payable.

Deferred Benefit for Escalation – Normal Service Retirement

A Normal Service retiree with less than 25 years of service may choose to defer the retirement benefit for the purpose of becoming eligible for full escalation.

Deferred Benefit for Escalation and the VSF

A service retiree (Early and Normal) with over 20 years of service is eligible for the VSF, as described in the earlier VSF section. A member who defers their benefit for escalation, will be paid any banked Variable (VSF DROP) in the year he or she retires, regardless of the duration of the deferral. VSF will not be accrued during the deferral period. When the member begins receipt of the retirement benefit, payment of the VSF will resume.

Cost of Living Adjustments (“COLA”)

Tier 3 Enhanced members who retire for ODR or ADR become eligible for Cost of Living Adjustments (“COLA”) after being retired for five years. The COLA amount is calculated at ½ the Federal Consumer Price Index (CPI), with the minimum amount being 1% and the maximum being 3%.

The COLA amount is applied to the first \$18,000 of the retirement allowance, or to the full retirement allowance if less than \$18,000.

Spouses collecting a benefit under a joint and survivor option may also be eligible to receive COLA; however, the beneficiary receives 50% of the amount that the member/retiree would have received.

Variable Supplements Fund

Members who **retire for Service, with at least 20 years of credited police service**, on or after October 1, 1968 are eligible to receive an annual statutorily defined Variable Supplements Fund (VSF) payment in addition to regular pension payments. The VSF is prorated based upon the number of full months of retirement. The annual VSF benefit is \$12,000. **Vested members and members who retire for Ordinary or Accident Disability are not eligible for VSF benefits.**

VSF DROP (Deferred Retirement Option Plan)

In addition to the annual VSF benefit discussed above, members who continue on active duty beyond the 20th anniversary, and ultimately retire for Service, may be entitled to the VSF DROP (Deferred Retirement Option Plan), also known as the “Banked Variable.” The VSF DROP was designed to retain experienced members of the NYPD by guaranteeing a lump sum payment upon retirement for each year the member remains in active service beyond the member’s Early Service Retirement Eligibility Date (20 years). Accrued VSF DROP funds are eligible for rollover, subject to IRS regulations.

The VSF DROP is not payable to members who die while in active service or who are terminated from the NYPD.

VSF Payment Schedule

VSF payments and VSF DROP payments will be made or credited on or about December 15th of the retirement year. Members who retire in the month of December and are eligible for the VSF DROP will not be paid until December of the following year.

Options

A member may elect to receive a reduced retirement allowance while alive in order to provide a continued benefit for someone else upon the member’s death. There are five options that provide such benefits; a member may elect one. Each option has a cost, determined by the member’s age and the beneficiary’s age at the time of the member’s retirement.

Members will be presented with the estimated cost at or before the time of retirement. A member will be required to choose the option within 30 days of the retirement date or the maximum retirement allowance will be granted. In the case of disability retirements, a member may elect to change any prior option selection within 30 days of approval of the disability benefits by the PPF Board.

- **Maximum Retirement Allowance:** The Maximum Retirement Allowance is the highest pension to which a member is entitled by law. Under the Maximum Retirement Allowance, the pension ceases upon the member's death, and no further pension payments may be made to any survivors.
- **Option 1: 100% Joint and Survivor:** Upon the member's death, the designated beneficiary receives 100% of the member's total monthly benefit for the rest of his or her life. Only one beneficiary may be named and may not be changed. If the beneficiary predeceases the member, pension payments continue at the reduced rate unchanged; a new beneficiary may not be named and benefits cease upon the death of the member.
- **Option 2: Annuity:** Upon the member's death, the designated beneficiary receives a retirement allowance of ninety percent or less (but not less than ten percent) payable for the life of the designated beneficiary. Only one beneficiary may be named, and that beneficiary may not be changed. If the beneficiary predeceases the member, pension payments continue at the reduced rate unchanged; a new beneficiary may not be named and all benefits cease upon the death of the member.
- **Option 3: 5 Year Certain:** If a member elects this option, the benefit is payable to the retiree for life; however, if the member dies within 5 years of retirement, the benefit is only payable to the designated beneficiary until the 5th anniversary of the member's retirement. For example, a member may elect this option and live for 15 years after retirement, upon the member's death the benefit would cease and not be payable to a beneficiary. Conversely, if a member died one year after retirement, under this option the benefit would be payable to the beneficiary for 4 more years.
- **Option 4: 10 Year Certain:** If a member elects this option, the benefit is payable to the retiree for life; however, if the member dies within 10 years of retirement, the benefit is only payable to the designated beneficiary until the 10th anniversary of the member's retirement. For example, a member may elect this option and live for 25 years after retirement, upon the member's death the benefit would cease and not be payable to a beneficiary. Conversely, if a member died 3 years after retirement, under this option the benefit would be payable to the beneficiary for 7 more years.
- **Option 5A: 50% Joint and Survivor with "Pop-up":** Upon the member's death, a retirement allowance in an amount equal to 50% of the member's retirement allowance shall be paid for life to the designated beneficiary. If the beneficiary pre-deceases the member, the retirement allowance "pops up" or reverts to the Maximum Retirement Allowance, as if no retirement option was selected.
- **Option 5B: 100% Joint and Survivor with "Pop-up":** Upon the member's death, a retirement allowance in an amount equal to 100 % of the member's retirement allowance shall be paid for life to the designated beneficiary. If the beneficiary pre-deceases the member, the retirement allowance "pops up" or reverts to the Maximum Retirement Allowance, as if no retirement option was selected.

Reinstatement

Before Service Retirement Eligibility

Return with five years and member contributions not withdrawn

Pursuant to New York City Administrative Code (NYC AC) § 13-240, if member contributions have not been withdrawn and the member returns to service within five years of the separation date, membership with the Fund has not ceased. Accordingly, the prior service must be automatically credited to the member. The member's required contribution rate would continue to be based on the member's original tier and appointment date.

Return with five years and member contributions are withdrawn

Tier 3 to Tier 3

To receive credit for the prior NYPD time if contributions have been withdrawn, the member must purchase the prior service through a Chapter 646 or Chapter 552 buyback. Members who are rehired and would obtain an equated date that would bring them into eligibility for an earlier Tier 3 plan will be placed in that plan. A Chapter 552 buyback would not move a member to another Tier 3 Plan.

Tier 3 to Tier 2

If a member resigned while Tier 2 was in effect and reinstated after Tier 3 was enacted (July 1, 2009) that member would have to complete a Chapter 646 buyback to tier reinstate pursuant to New York State Retirement and Social Security Law (RSSL) § 645. The member's contribution rate would be governed by RSSL § 645.

After Service Retirement

If, after Service Retirement, a member rejoins the NYPD (i.e., reinstates as a uniformed member), the pension stops and an active membership begins in the Police Pension Fund; the member will receive a new Tax ID Number. A reinstated member must work at least five years after reinstatement before the new service and the prior service from the earlier retirement may be combined for purposes of retiring on a recalculated pension or receiving escalation benefits.

Retiree Employment Restrictions

NYCPPF retirees must comply with post-retirement earnings restrictions to ensure any portion of the retirement allowance is not jeopardized. All PPF retirees are subject to post-retirement limitations and reemployment restrictions. Violations of any of these laws and/or rules may jeopardize some or all of the retirement allowance. Members are encouraged to consult with PPF prior to accepting any post-retirement employment.

According to §1117 of the New York City Charter, a pension must be suspended or forfeited for retirees employed by New York State or any of its political subdivisions unless the pension, plus the job's salary or compensation, is less than \$1,800 per year. However, sections 211 and 212 of the RSSL may enable service retirees to earn higher amounts.

Service and Vested Retirees Under 65

Section 211: Waiver Required

RSSL Section 211 enables New York State or any of its political subdivisions to hire retirees who possess certain qualifying skills; however, such an employer needs to obtain a Section 211 Waiver on behalf of the employee. It is the retiree's responsibility to ensure the employer obtains the 211 Waiver and it remains in force throughout the employment period. The NYS Civil Service Commission and the NYC Department of Citywide Administrative Services (DCAS) are among the entities empowered to grant a Section 211 Waiver.

Section 211(a) – Earnings Cap

If the position's salary or compensation is over \$30,000 and the position is with a former employer (except the NYC Dept. of Ed.), the maximum salary or compensation the non-disability retiree may receive is calculated as follows:

Basis: **Current salary at retirement rank** (salary = base salary + all overtime types + uniform allowance + worked vacation)

Less: **Retirement allowance**

Equals: **Maximum annual earnings**

The Police Pension Fund will suspend the retirement allowance if the retiree earns more than the maximum annual earnings.

Section 211(b) – No Earnings Cap

If the position the non-disability retiree seeks is not with a former employer, the retiree may be hired with no earnings limitations. However, the employer must obtain a Section 211 Waiver on behalf of the employee.

Section 212: Earnings Cap

Under RSSL Section 212, a non-disability retiree under 65 years of age may be employed by New York State or any of its political subdivisions without prior approval of the New York State Civil Service Commission or DCAS. However, the employee's annual salary or compensation must be equal to, or less than, an amount determined by the New York State Legislature (currently \$30,000). A retired PPF member must notify the Executive Director of NYCPPF in writing if he intends to exercise this right. If the retiree's earnings exceed the state-established limit, PPF will suspend the retirement allowance.

Retirees Age 65 and Over

In the calendar year in which a non-disability retiree attains age 65, and every year thereafter, the retiree has no restrictions on retirement earnings paid by New York State or any of its political subdivisions.

Public Benefit Corporations

Section 1117 of the New York City Charter does not apply to Public Benefit Corporations (PBCs), so all retirees may work for such corporations with no earnings limitations.

The following are some common PBCs, including but not limited to:

- 👉 Metropolitan Transit Authority
- 👉 New York City Housing Authority
- 👉 New York City Transit Authority
- 👉 New York City Dormitory Authority
- 👉 New York City School Construction Authority
- 👉 New York City Convention Operating Corporation
- 👉 New York City Health and Hospitals Corporation
- 👉 New York/New Jersey Port Authority
- 👉 New York State Urban Development Corporation
- 👉 Waterfront Commission of New York Harbor

Safeguards: Accident Disability Retirees

Before 20th Anniversary

Before the 20th anniversary, Ordinary Disability or Accident Disability retirees are not governed by Section 1117 of the New York City Charter. Accordingly, such retirees may earn more than \$1,800.00 per year when employed by New York State or any of its political subdivisions or a public benefit corporation.

However, New York City Administrative Code § 13-254 limits the earnings of pre-20th anniversary disability retirees. Maximum earnings are defined as follows:

Base: Current salary* at next highest rank (immediately above retirement rank)
Less: Pension portion of the retirement allowance
Equals: Maximum annual earnings

**Salary is defined as base pay plus overtime, uniform allowance for rank at retirement and worked vacation.*

The Police Pension Fund will suspend the pension portion of the retirement allowance if the retiree earns more than the maximum annual earnings.

After 20th Anniversary

After the 20th anniversary, disability retirees are governed by Section 1117 of the New York City Charter (i.e., the retirement allowance pension portion plus the job's salary or compensation must be less than \$1,800.00 per year). RSSL §§ 211 and 212 do not apply to disability retirees after the 20th anniversary as per RSSL § 210.

Note: If a disability retiree becomes an employee of New York State or any of its political subdivisions after the 20th anniversary, PPF will suspend the pension portion of the member's retirement allowance; however disability retirees may be employed by public benefit corporations and non-public organizations with no earnings limitations after the 20th anniversary.

Safeguards: Ordinary Disability Retirees

If a disability retiree becomes ineligible for primary Social Security benefits before reaching age 65, the retirement benefits from the Fund shall cease. If the disability benefit is not conditioned on receipt of Social Security Disability benefits, but the retiree engages in employment or business activity that would render the retiree ineligible for primary Social Security Disability benefits, the benefit from the Fund will also cease.

If the disability retiree is found to be ineligible for disability benefits but is otherwise eligible for City employment, the retiree will be placed on a preferred eligible list of the City of New York. The disability benefit will continue until the retiree is offered a civil service position from the preferred eligible list, at which time the disability benefit shall cease.

Death Benefits

In Service

To be eligible for an Ordinary Death Benefit, a member needs to have completed ninety (90) days of uniformed service with the NYPD.

The Ordinary Death Benefit is calculated as follows:

3 x member's salary raised to the next highest multiple of \$1,000

-plus-

a return of the member's accumulated contributions

The Ordinary Death Benefit is paid to a beneficiary designated by the member. Members may designate multiple beneficiaries.

Any death benefits paid, except for the Accidental Death Benefit, are in lieu of all other statutory death benefits.

Vested But Not Yet Collecting

A vested member who dies prior to payability is entitled to 50% of an ordinary death benefit.

Accidental Death

An accidental death benefit is payable to an eligible beneficiary if the member dies before the effective date of retirement as the natural and proximate result of an accident sustained in the performance of duty, not caused by the member's own willful negligence.

The application for Accidental Death Benefits must be filed within two years of the death of the member.

Eligible beneficiaries are dictated by statute, payable in the following hierarchy:

1. A surviving spouse who has not renounced survivorship rights in a separation agreement, until remarriage; or
2. Surviving children until age 25; or
3. Dependent parents; or
4. Any other person qualified as a dependent on the final tax return of the member until such person reaches age 21.

In the event that a class of eligible beneficiaries consists of more than one person, the benefit will be divided equally.

The benefit is paid as follows:

A New York City-paid pension based on 50% of final average salary

-plus-

Special Accidental Death benefit (SADB): A New York State-paid pension equal to the member's final year's salary, less the New York City-paid pension, less the Social Security benefits.

If an Accidental Death Benefit payment to an eligible beneficiary does not exceed what an Ordinary Death Benefit would have been, a lump sum payment of the difference between the Ordinary Death Benefit and what was paid as an Accidental Death Benefit will be paid to the last eligible beneficiary listed above.

If there are no eligible beneficiaries, the death benefit will be converted to an Ordinary Death Benefit and the Fund will pay the designated beneficiary on file.

Beneficiaries

All members designate a beneficiary (or beneficiaries) for Death Benefits when joining the PPF; however, whenever a member's social condition changes (e.g., marriage, separation, divorce), the beneficiary designation should be updated.

Reviewing beneficiary designations regularly is well worth the time and effort; doing so protects both assets and heirs. Tax filing and open enrollment periods are recommended times to do this. Major life events, e.g., marriage, remarriage, divorce, birth, adoption and death, often create the need to update beneficiaries.

Checking Your Beneficiary

To obtain beneficiary information, either visit PPF in person or mail a request to the New York City Police Pension Fund, 233 Broadway, 19th Floor, New York, New York, 10279, attention: Membership Services Unit. Due to privacy concerns, telephone and e-mail requests are not permitted.

Changing Line Organization Beneficiaries

Whenever checking beneficiary information with the PPF, remember to also contact the appropriate line organization at the address and number listed below to obtain beneficiary information in those records, as well:

<i>Police Officers</i>	Patrolmen's Benevolent Association (PBA)	212-349-7560
<i>Sergeants</i>	Sergeants' Benevolent Association (SBA)	212-431-6555
<i>Detectives</i>	Detectives' Endowment Association (DEA)	212-587-1000
<i>Lieutenants</i>	Lieutenants' Benevolent Association (LBA)	212-964-7500
<i>Captains & above</i>	Captains' Endowment Association (CEA)	212-964-7500

Changing Beneficiaries

The PPF Change of Beneficiary Form is available on the PPF website. The form must be notarized and may be mailed to: New York City Police Pension Fund, 233 Broadway, 19th Floor, New York, New York, 10279, attention: Membership Services Unit. Questions may be directed to Membership Services at 212-693-5850.

Changing Health Insurance Dependents

To change the dependents on health insurance by mail or in person, please contact the NYPD Health Insurance Section, 51 Chambers Street, 3rd Floor, New York, New York 10007 or call 646-610-5122 for information.

Changing Deferred Compensation Plan Beneficiaries

If enrolled in the NYC Deferred Compensation Plan, call 212-306-7760 for information about updating Plan Beneficiaries. Information is also available at www.nyc.gov/OLR. Click on Forms and Downloads and download the Beneficiary Distribution Guide/Form.

Guide for Surviving Beneficiaries

There are few situations in life more stressful than the loss of a loved one; there are no words of comfort at such a difficult time. This section is designed to aid the survivors of PPF members by providing a checklist of who to contact upon the death of a PPF member or retiree, and the information that is required. There are four calls to make:

1. NYPD Operations Unit

- Survivors should call NYPD Operations at 646-610-5580, located at NYPD Headquarters, 1 Police Plaza, New York, New York 10038. Pall bearers may be requested at that time and are available for all five City boroughs, Long Island, Westchester, Rockland, Orange and Putnam counties.

2. NYC Police Pension Fund

- Please notify PPF in writing at 233 Broadway, 19th Floor, New York, NY 10279, attention: Death Benefits Unit or by telephone at 212-693-5619/5919. Please have the following information available at the time of the phone call: the first, middle and last name of the deceased; the date of death; Social Security Number of the deceased; name of the next of kin; and name, address and phone number of the executor or executrix of the estate, if applicable.
- The Fund will need:
 - ✓ A certified copy of the death certificate;
 - ✓ A copy of the paid funeral bill;
 - ✓ A copy of the marriage certificate, if applicable; and
 - ✓ A copy of the beneficiary's Social Security card.

Prompt receipt of these items will expedite the Fund's ability to make payments to any beneficiaries.

3. Member's line organization

- Contact the appropriate line organization below, and ask about a possible life insurance policy and whether any continuing optional benefits are available:

PBA	125 Broad St.	11th Floor	212-349-7560
DEA	26 Thomas St.		212-587-1000
SBA	35 Worth St.	First and second floor	212-431-6555
LBA	40 Peck Slip		212-964-7500
CEA	40 Peck Slip		212-964-7500

4. Health Benefits Program

- Contact the NYC Health Benefits Program to request the appropriate health benefits forms. This Program is located at 40 Rector Street, 3rd Floor, New York, NY 10006 and can be reached at 212-513-0470.