

# Transit Operating Force 25-Year/Age 55 Retirement Plan (6TR-25)

Tier 6



NYC EMPLOYEES'  
RETIREMENT SYSTEM

May 2023

This brochure outlines the obligations and benefits of the Transit 25-Year/Age 55 Retirement Plan for Tier 6 members (6TR-25 Plan). The 6TR-25 Plan allows participants to retire with 25 years of Allowable Service upon attaining age 55 and is available only to those employed in a Transit Operating Force (TOF) position.

## PARTICIPATION

Participation in the 6TR-25 Plan is MANDATORY for anyone employed by the NYC Transit Authority (NYCTA) in a TOF position who becomes a NYCERS member on or after April 1, 2012.

## ONCE AN ELECTION TO PARTICIPATE IN THE 6TR-25 PLAN IS FILED WITH NYCERS, IT MAY NOT BE REVOKED.

Participants who cease to hold a TOF position will no longer be able to participate in the 6TR-25 Plan. Participants who cease to hold a TOF position, and return to a TOF position at a later date, will again be required to participate in the 6TR-25 Plan.

## BASIC MEMBER CONTRIBUTIONS (BMCs)

Participants in the 6TR-25 Plan who join NYCERS between April 1, 2012 and March 31, 2013, are required to contribute BMCs equal to 2% of pensionable gross wages until a new contribution structure took effect on April 1, 2013. Beginning April 1, 2013, the BMC rate for all 6TR-25 Plan members is dependent upon annual wages\* earned during a **plan year** according to the schedule in the table below.

Annual Wages Earned During Plan Year	Contribution Rate
Up to \$45,000	3%
\$45,001 to \$55,000	3.5%
\$55,001 to \$75,000	4.5%
\$75,001 to \$100,000	5.75%
Greater than \$100,000	6%

If you joined NYCERS prior to November 20, 2015, a **plan year** was defined as the period from April 1st to March 31st. During the first three plan years of membership (or the first three plan years beginning 4/1/13 if you joined NYCERS between 4/1/12 and 3/31/13), NYCERS uses a projection of your annual wages to determine your BMC rate (Projected Wage Method). For your fourth plan year and each plan year thereafter, NYCERS uses your gross wages earned two plan years prior to determine your BMC rate (Actual Wage Method). Chapter 510 of the Laws of 2015, signed on November 20, 2015, changed the plan year definition to

a calendar year (1/1 to 12/31). For that reason, if your membership date falls between 4/1/12 and 3/31/14, the Actual Wage Method will be applied for the plan year 1/1/17-12/31/17. See the last page for a chart illustrating the application of each method based on hypothetical wages.

BMCs are held in the Member Contribution Accumulation Fund (MCAF) and must be contributed until you separate from City service or retire. BMCs are not required on **non-pensionable** earnings (see wage exclusions in Final Average Salary section).

BMCs are Federal tax-deferred, meaning that you do not pay Federal taxes on the contributions, only New York State and local taxes. Note, however, that contributions made while on Union Leave are **not** Federal tax-deferred.

\* Chapter 56 of the Laws of 2022 (Budget Bill: Part SS), effective April 01, 2022, excludes pensionable earnings above the annual base wages, such as overtime payments, for purposes of calculating Basic Member Contribution (BMC) rates for the period of 4/1/22 through 12/31/24.

## DEFICITS

Failure to pay any of the required contributions will result in a deficit in the Member Contribution Accumulation Fund (BMCs). If the deficit is identified prior to retirement, NYCERS will notify the member so they can resolve the deficit.

If there is an unresolved BMC deficit at retirement in the MCAF account, NYCERS will notify the member of the choice to either pay the deficit in full or apply an actuarial reduction (a lifetime reduction to your pension based on your deficit amount) to resolve the deficit.

## LOANS

Participants in the 6TR-25 Plan may borrow up to 75% of the BMCs held in the MCAF account. Any loans taken are subject to the same terms and conditions governing loans applicable to Tier 4 members. Please consult Loans Brochure #911 for additional information.

## REFUNDS

Participants in the 6TR-25 Plan 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. Refunds will be reduced by the present value of any loan. Refunds of BMCs are not possible for members with 10 or more years of Credited Service, except in cases of a participant's death.

Withdrawal of BMCs will trigger a Federal tax liability and may result in an early distribution tax penalty. Participants must be **off payroll** for 30 or more days to qualify for a refund. If your agency records indicate that you are on a leave of absence with or without pay, you are **not** eligible for a refund.

## ALLOWABLE SERVICE IN THE TRANSIT AUTHORITY

Allowable Service in the Transit Authority is a special term used in the 6TR-25 Plan, which is defined as membership service while employed by the NYCTA. Allowable service includes transit hourly-paid employees, transit annually-paid operating employees and transit annually-paid non-operating employees. Allowable Service also includes certain Military and Union Leave service, and service purchased by a Transit member who has been appointed off a civil service list and is not immediately certified for deductions. Allowable 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. This is significant because **only Allowable Service can be used to qualify for service retirement.**

## BUY-BACK

Transit Operating Force members may purchase previous public service rendered anywhere in New York City or New York State, but such purchased service is not "Allowable Service" while a member in the 6TR-25 Plan. Purchasing service could be beneficial for anyone **not** eligible to meet the qualifying age and service requirements for this plan. The cost is 6% 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 6% *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.

## VESTED RETIREMENT BENEFIT

If a participant leaves City service with at least 25 years of Allowable Service, but they are not yet age 55, they are entitled to a Vested Retirement Benefit that becomes payable at age 63. The Vested

Retirement Benefit in this case is calculated as follows:

2% *times* Final Average Salary (FAS) *times* the number of years of Allowable Service, up to 30 years of such service, **plus**

1.5% *times* FAS *times* the number of years of Allowable Service in excess of 30 years of such service.

A 6TR-25 participant who leaves City service with at least five years of Credited Service (all service, at least two years of which are membership service) is entitled to a Vested Retirement Benefit that becomes payable at age 63. The Vested Retirement Benefit in this case is calculated as follows:

For a participant with less than 20 years of Credited Service:

1 2/3% *times* FAS *times* years of Credited Service

For a participant with more than 20 years of Credited Service:

35% of FAS for the first 20 years of Credited Service,

**plus**

2% *times* FAS *times* each year of Credited Service in excess of 20

If a participant has less than nine years of service, any year without actual earnings will be calculated using projected salaries, in order to apply the earnings limitations.

## SERVICE RETIREMENT BENEFIT

A participant with 25 or more years of Allowable Service in the Transit Authority who has reached age 55 will be eligible to receive a Service Retirement Benefit equal to:

2% *times* FAS *times* the number of years of Allowable Service, up to 30 years of such service, **plus**

1.5% *times* FAS *times* the number of years of Allowable Service in excess of 30 years of such service.

When you file your service retirement application, NYCERS strongly encourages you to select an "Interim Option" on the application. This precautionary measure enables you to leave some form of pension payment to a beneficiary should you die before a final option selection is made and your pension is finalized.

## UNDERLYING PLAN

Retirement Under 63/5 Plan:

Participants in the 6TR-25 Plan, including vested members who have left City service, who joined NYCERS on or after April 1, 2012, may retire from the 63/5 Plan whether or not the Participant has satisfied the 25 year service requirement. All requirements and benefits of the 63/5 Plan will apply, including, except in the case of vested members, the ability to retire prior to age 63 with a benefit reduction.



## FINAL AVERAGE SALARY (FAS)

FAS is defined as the average of wages earned by a member during any continuous period of employment for which the member was credited with five years of service. However, wages earned during any year used in an FAS calculation cannot exceed the average of the previous four years by more than 10%.

If participants have less than nine years of service, any year without actual earnings will be calculated using projected salaries, in order to apply the earnings limitations.

Some wages are excluded from the FAS calculation. The Tier 6 definition of wages includes an “overtime ceiling,” which limits overtime compensation for pension purposes to no more than \$19,729 for 2023; this amount is indexed annually according to the Consumer Price Index. Any overtime compensation earned in excess of the overtime ceiling is excluded from the FAS calculation. Overtime compensation is compensation paid at a rate greater than the standard rate.

The definition of wages also excludes:

1. Wages in excess of the annual salary paid to the Governor of the State of New York;
2. Lump-sum payments for deferred compensation, sick leave, accumulated vacation or other credits for time not worked;
3. Any form of termination pay;
4. Any additional compensation paid in anticipation of retirement; and
5. In the case of employees who receive wages from three or more employers in a 12-month period, the wages paid by the third and each successive employer.

## DISABILITY RETIREMENT

As a 6TR-25 Plan member, participants are eligible for a 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 they ceased performance of their duties.

If participants have less than 10 years of Credited Service, they are eligible to receive a Disability Retirement Benefit if NYCERS’ Medical Board determines that they are physically or mentally incapacitated to perform their job duties AND their disability is the result of an accidental injury sustained in the performance of their duties, and not caused by their own willful negligence.

The Disability Retirement Benefit is equal to the greater of:

- 1/3 of your FAS; **OR**
- 1 2/3% *times* FAS *times* years of Credited Service; **OR**
- If you are eligible for a service retirement, your Service Retirement Benefit.

## 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 your beneficiary/beneficiaries if you 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) You were being paid on payroll at the time of your death; **-- OR --**
- b) You were off payroll or you were on an authorized leave without pay at the time of your death; **AND**
  1. You were on payroll, in service, and paid within the last 12 months before death; **AND**
  2. You were not gainfully employed since last on the payroll; **AND**
  3. You had credit for one or more years of continuous service since you last entered the service of your employer.

The ODB payable is a multiplication of your salary as indicated below:

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

Your beneficiary/beneficiaries will also receive a refund of your BMCs plus earned interest.

If you have at least 10 years of Credited Service, are awaiting payability of a Vested Retirement Benefit, and die prior to age 63, your beneficiaries will receive a lump-sum death benefit based on 50% of the ODB that would have been payable if you had died on your last day in active service, plus the refund of your BMCs plus interest.

An Accidental Death Benefit (ADB) is payable to Eligible Beneficiaries, who are defined in law, if NYCERS determines that your death was the result of an accident sustained in the performance of your duty, not caused by your own negligence.

The annual benefit equals 50% of the wages you earned during your last year of service, or your annual wage rate if you had less than one year of service. Your BMCs are not refunded to your beneficiaries.



<b>Projected Wage Method (First 3 Plan Years Only)</b>			
	<b>1<sup>st</sup> Plan Year</b>	<b>2<sup>nd</sup> Plan Year</b>	<b>3<sup>rd</sup> Plan Year</b>
Projected Annual Salary	\$70,000	\$70,000	\$70,000
Rate Based on Projected Annual Salary	4.5%	4.5%	4.5%
Actual Wages Earned in Plan Year	\$72,000	\$72,500	\$76,000
Contributions Made in Plan Year	\$3,240 (4.5% of \$72,000)	\$3,263 (4.5% of \$72,500)	\$3,420 (4.5% of \$76,000)
<b>Actual Wage Method (4<sup>th</sup> Plan Year and Thereafter)</b>			
	<b>4<sup>th</sup> Plan Year</b>	<b>5<sup>th</sup> Plan Year</b>	
Actual Wages Earned in Plan Year	\$80,000	\$82,500	
Rate Based on Actual Wages Earned Two Plan Years Prior to the Current Plan Year	4.5%	5.75%	
Contributions Made in Plan Year	\$3,600 (4.5% of \$80,000)	\$4,744 (5.75% of \$82,500)	

