

Employee Benefits Division Policy Memorandum

Number: Policy Memo 52r3

Date Issued: July 1, 2024

Subject: Retirement and Dependent Survivor Service Requirement

PURPOSE

Recognize and clarify other public service for the purpose of meeting the NYSHIP retirement and dependent survivor eligibility requirements.

BACKGROUND

The President's Regulations permit employers who participate in NYSHIP to recognize other public service for the purpose of meeting the requirements to continue NYSHIP coverage in retirement. However, the Regulations do not provide any guidance in determining the application of this benefit for the State, Participating Employers (PE), or Participating Agencies (PA). There has also been some confusion concerning what public service should be counted in determining eligibility for dependent survivor coverage.

POLICY

[4 CRR-NY 73.1\(c\) of the New York State Regulations](#) excludes individuals who work less than 20 hours per week from the definition of employees, with exceptions enumerated in subparagraphs (i) through (iv). Furthermore, employees who work less than half-time per biweekly payroll period are not considered health insurance benefits eligible under the State's collective bargaining agreements with its unions. In addition, Subdivisions (d) through (f) of 4 CRR-NY 73.1 define types of retirees, a condition of which is being a former employee. Therefore, in order to meet the minimum service requirements for retiree health insurance, the State will only recognize "health insurance benefits eligible service"* a State employee has with the State, PEs, and PAs. The State will also continue to recognize the previous health insurance benefits eligible service a State employee has with a PE or PA prior to the employer withdrawing from NYSHIP. The State will recognize no other public service.

A PE or PA may continue to recognize the previous health insurance benefits eligible service its employee has with another NYSHIP PE, PA, or State agency. In addition, the PE or PA may also recognize other health insurance benefits eligible service the employee has with any public employer, as defined under Civil Service Law (CSL) Section 201(6), regardless of their current participation in NYSHIP. Once a PE or PA has chosen to recognize "health insurance benefits eligible service" outside of NYSHIP, the PE or PA must do so for all employees who retire with other "health insurance benefits eligible service."

When establishing eligibility for dependent survivor coverage, the State, PE, and PA must recognize all "health insurance benefits eligible service" the employee has with the State, a political subdivision of the State, or a public authority within New York State. This includes cities with a population of one million or more, such as New York City.

This Policy Memorandum shall take effect upon issuance.

* For purposes of determining eligibility requirements under the policy, "health insurance benefits eligible service" means a period of employment during which the employee was eligible for health benefits coverage under the rules of their employer.