

Employee Benefits Division Policy Memorandum

Number: Policy Memo 85r1

Date Issued: November 14, 2017

Subject: Continuing NYSHIP Coverage in Retirement as a Member of Another Retirement System

PURPOSE:

Determine which memberships in a local public retirement system satisfy the NYSHIP requirement that an employee be retired as "a member of a retirement system or pension plan or system administered and operated by the State of New York, or a civil division thereof..." at the time of retirement.

BACKGROUND:

Section 73.1(e) of the President's Regulations states that a "post retiree" is a person who: (1) enrolled in NYSHIP as an employee; (2) whose coverage is continued after withdrawal from active service under the eligibility privileges of NYSHIP; and (3) meets one of five other tests.

Section 73.1(e)(1) sets forth one test. It states that a person may satisfy the retirement system membership requirement for retiree health insurance if the person is retired as "a member of a retirement system or pension plan or system administered and operated by the State of New York, or a civil division thereof..."

EBD has learned of a case of an individual who retired from a public employer that participates in the New York City Employees Retirement System. The public employer does not participate in NYSHIP. The retiree then took a position with a local government that participated in NYSHIP and NYSLRS. He satisfied the minimum service requirement to continue NYSHIP coverage in retirement, was enrolled in NYSHIP and subsequently left active service without retiring from the local government. EBD questions if the individual's membership with the New York City Employees Retirement System meets the test of having retired from a retirement system of a civil division of New York State.

POLICY:

An individual who has satisfied the minimum service requirement to continue NYSHIP coverage in retirement and who is enrolled in NYSHIP at the time he or she departs from his or her position, may continue coverage under NYSHIP in retirement if he or she has retired from any "retirement system or pension plan or system administered and operated by the State of New York, or a civil division thereof." This includes a retirement that has occurred in the past with a non-participating NYSHIP employer. Retirement systems operated by the City of New York are included as qualifying retirement systems.

These systems are:

- The New York City Employees' Retirement System;
- The New York City Teachers' Retirement System;
- The New York City Board of Education Retirement System;
- The New York City Police Pension Fund; and
- The New York City Fire Department Pension Fund.