



## **New York State Correctional Officers & Police Benevolent Association, Inc.**

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### **Retirement Arrears Issue**

When some of NYSCOPBA's Correctional Officers first began their careers, retirement contributions were not initially withheld from their paychecks. As a result, many of our Officers are being informed by the NYS & Local Retirement System that they now owe arrears as they approach retirement. The Comptroller possesses the authority to assess arrears as part of his fiduciary responsibilities as the sole trustee of the NYS Retirement System. The NYS & Local Retirement System has a long standing practice of assessing interest on mandatory arrears.

NYSCOPBA challenged this issue several years ago and an Article 78 lawsuit was filed. The decision by the Supreme Court was not in favor of NYSCOPBA's position. The issue was then brought to the Appellate Court and the original decision upholding the practice of assessing arrears was affirmed.

In the event that you receive correspondence regarding this issue from the NYS & Local Retirement System, the Comptroller's Office, or during a retirement consultation with the state, you will be required to pay the arrears.

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