



NEW PENSION SYSTEM CHOICE LEGISLATION WENT INTO EFFECT DECEMBER 11, 2024

Chapter 551 of the Laws of 2024 ("Chapter 551") was signed into law on December 11, 2024, and took effect on the same day. This chapter law amends the New York State Education Law and New York City Administrative Code to allow any NYC Department of Education or Charter School employee who is in a title represented by the United Federation of Teachers (UFT) the right to transfer their BERS membership to NYC Teachers' Retirement System (TRS) within one year of becoming eligible for membership in TRS.

Additionally, all new hires who were in a title represented by the UFT beginning December 12, 2024 are now only eligible for membership with TRS.

Please see below for some questions and answers regarding Chapter 551. If you have more questions, please don't hesitate to contact us. You may reach us by phone Monday through Friday, 8:30 am through 4:30 pm, at (929) 305-3800 or (800) 843-5575 (outside New York State). You may also email us at brespon@bers.nyc.gov or members_outreach@bers.nyc.gov.

Q. How does Chapter 551 affect current employees?

- A. BERS members in a UFT-represented title as of December 11, 2024 will now have the right to transfer their BERS membership to NYC Teachers' Retirement System (TRS) by December 10, 2025, if they wish to do so. If you are a BERS member on December 11, 2024 and later on begin serving in a title represented by the UFT, you will have the option to transfer to TRS within one year of serving in a title represented by the UFT. You do not have to be a member of UFT, but the title you are serving in must be one that is represented by the UFT.

Q. How will Chapter 551 affect employees not enrolled in BERS or those hired on or after December 12, 2024?

- A. Current employees serving in a UFT-represented title who did not join BERS by December 11, 2024 and all new hires who are in a title represented by the United Federation of Teachers (UFT) beginning December 12, 2024 are now only eligible for membership with the NYC Teachers' Retirement System. If you are a BERS member on December 11, 2024 and later on begin serving in a title represented by the UFT, you will have the option to transfer to TRS within one year of serving in a title represented by the UFT. You do not have to be a member of UFT, but the title you are serving in must be one that is represented by the UFT.



Q. How do I know if Chapter 551 applies to me?

- A.** Beginning December 11, 2024, this law will apply to every employee who:
- a) is a BERS member currently in service in a title represented by the UFT; OR is a BERS member on December 11, 2024, but later on changes to a title that is represented by the UFT;
 - b) is not enrolled in BERS or any other New York City or State retirement system and is active in a title represented by the UFT.

Note: You must be an employee of DOE or NYC Charter School.
This includes employees who are on various leaves, such as maternity leave.

Q. Does Chapter 551 apply only to Occupational and Physical Therapists?

- A.** No, this law applies to all job titles represented by the United Federation of Teachers (UFT). These titles include Substitute Teacher, Substitute Paraprofessionals, Staff Nurses, Substitute School Secretaries, and many others. For a full list of titles currently covered by BERS that are now eligible for transfer please see our [UFT Titles list](#).

Q. I am a part-time employee. Does Chapter 551 apply to me?

- A.** Yes, Chapter 551 applies to both full-time and part-time employees in eligible titles.

Q. Should I file now to transfer my membership?

- A.** BERS is working with TRS to ensure proper protocols are in place to implement the legislation. The decision to transfer membership is irrevocable. If you file a request to transfer to TRS, you cannot “undo” that and transfer back to BERS. That’s why it is advisable to have all the information before making a decision.

Q. I am a BERS member in a UFT title and I wish to remain with BERS. Do I need to file an application?

- A. Any current member of BERS in a UFT-represented title who wishes to remain with BERS does not need to take any action.**



Q. Does either of the retirement systems offer a better retirement benefit?

- A.** Both BERS and TRS provide a defined benefit plan (pension benefit). A defined benefit plan is a type of retirement plan that states the type of benefit to be paid. The benefit payable is calculated using a set formula based on years of credited service and compensation base. Both retirement systems also offer an optional Tax-Deferred Annuity (TDA), also known as a 403-b plan.

Q. What is the difference between the systems?

- A.** BERS and TRS provide retirement benefits to different titles within the education system. There are also few differences in the early retirement plans offered (based on job title, membership date, or hire date). For a list of the similarities and differences between BERS and TRS, you can view the [BERS vs TRS resource sheet](#). For specific details, please check with the applicable retirement system. The decision to transfer membership is irrevocable. If you file a request to transfer to TRS, you cannot “undo” that and transfer back to BERS. That’s why it is advisable to have all the information before making a decision. For additional information regarding BERS plans, you may schedule a meeting with one of our counselors by using one of the following methods:



IN PERSON - You can visit our Walk-In Center located at 65 Court Street, Room 101, Brooklyn NY 11201 to meet with a BERS Benefit Examiner.

BY PHONE - Call 929-305-3800 to schedule an appointment. A Call Center representative will assist with scheduling a teleconference consultation for you. You can also request an in-person appointment if that is your preference.

BY EMAIL - You can also request an appointment by emailing brespon@bers.nyc.gov. If you choose email, you must include the following:

- “Appointment Request” in the subject line
- Your BERS Member number or Employee ID number
- The best telephone number to reach you
- The best email address to reach you

Using the information you provided, a BERS representative will schedule a teleconference consultation for you. You will receive an email from BERS with the details of the appointment. On the date and time of your appointment, a BERS Benefits Examiner will call you to answer any questions you may have regarding membership. Please note, that BERS counselors cannot advise you regarding TRS plans.

Q. I never joined BERS and I am now looking to enroll. Which retirement system do I contact?

- A.** If you never joined BERS before December 11, 2024 and you are working in a title that is represented by the United Federation of Teachers (UFT), then the only retirement system you are now eligible to join is TRS. Even if you are working in a part-time position such as Substitute Teacher.

Q. How does this affect my eligibility for health care in retirement?

- A.** Chapter 551 does not affect the eligibility for health benefits in retirement. To confirm eligibility you can visit the [Office of Labor Relations website](#).