

V. 3.
Charter

CHARTER OF THE CITY OF NEW YORK

Chapter XVIII
(Educational Chapter of the Revised Charter)

See Exhibit A

*Part of Education
The City of New York
The Normal College of the City of New York
a part*
TITLE 3

The Normal College

The Normal College of the City of New York, a Corporation and College; Name.

Section 1139 (as amended by Chapter 115, Laws of 1914)

See
Exhibit B

The Normal College of the City of New York is hereby declared to be a separate and distinct organization and body corporate and as such shall have the power and privileges of a college pursuant to the revised statutes of this state, and be subject to the provisions of the said statutes relative to colleges, and to the visitation of the regents of the university, in like manner with the other colleges of the state. Such college shall hereafter be known as Hunter College of the City of New York and the provisions of this charter as well as of all other acts and parts of acts in any manner relating to or affecting The Normal College of The City of New York shall apply to and continue in full force and effect in relation to said Hunter College of the City of New York.

Trustees, number and appointment.

Section 1140 (as amended by Chapter 516 of the Laws of 1915 and as further amended by Chapter 193 of the laws of 1916)

The board of trustees of said college on and after the first day of July, nineteen hundred and fifteen, shall consist of nine residents of the city, men and women, to be appointed as hereinafter provided, of the President of the board of education of the city ex officio and of the president of said college ex officio. Except as herein otherwise provided, the said board shall have and possess the powers conferred upon and be subject to the duties required of the trustees of colleges by the education law. The Mayor of the city of New York shall appoint before the first day of June, nineteen hundred and fifteen, nine persons, men and women, to serve as such trustees, to hold office respectively as shall be designated by the mayor, for one, two, three, four, five, six, seven, eight and nine years from the first day of July, nineteen hundred and fifteen. On or before the first day of June prior to the expiration of the term of office of any trustee the mayor shall appoint his successor for a full term of nine years from the first day of July following. The mayor shall fill any vacancy existing in the office of trustee - other than the president of the board of education and the president of the college - by the appointment of a trustee to hold office for the unexpired term. Each trustee so appointed shall take the oath of office required by the constitution of the state. Any resignation from the office of trustee shall be made to the mayor. No trustee shall be subject to removal under the provisions

of section ninety-five of this act, but any trustee appointed by the mayor may be removed by the mayor upon proof either of official misconduct or negligence of official duties, or of conduct in any manner connected with his official duties or otherwise which tends to discredit his office, or the school system, or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on like notice before the mayor, and to the assistance of counsel on said hearing. The board of trustees shall have the power to prescribe by-laws and regulations for the board and for the government of the college, its faculty, instructors and other employees, and to authorize a curator or a member of said board as they deem proper, to advertise for, receive and open any and all bids. Such by-laws shall include rules governing the appointments of all officers, members of the faculty, instructors and other employees of the college. A majority of the members of the board appointed by the mayor as aforesaid shall constitute a quorum for the transaction of business and no resolution or act of the board shall be invalid by reason of any vacancy existing in the board, provided that such act or resolution shall be adopted by a vote of five members of the board.

The board of trustees of said college shall also have power to prescribe rules, regulations, charges and compensation, if any, for the use and to prescribe the extent, purposes and manner of use, by persons, associations and corporations of the lands or buildings of said college or any part thereof, at such times as the same are not required for the uses of the college and of those attending thereat, and the board of trustees shall also have power to prescribe what fees or charges, if any, such persons, associations or corporations may exact for the attendance at or participation in the uses so permitted. All moneys, if any, so received by said college shall, within ten days after being received, be duly accounted for and paid by said college to the comptroller of the city of New York and shall be by him credited to a special fund for the exclusive benefit and use of the athletic, dramatic, musical and other associations and organizations of said college except as hereinafter provided and any moneys in said fund when duly appropriated by the board of estimate and apportionment of the city of New York and thereafter by the board of trustees of said college shall be available for carrying out the purposes of the athletic, dramatic, musical and other associations and organizations of said college and for no other purpose whatsoever.

Provided that any balance of said moneys received by said comptroller during any fiscal year that may remain in said special fund unappropriated by said board of estimate and apportionment a year after the expiration of each such fiscal year shall be, by said comptroller, when so directed by said board of estimate and apportionment, deposited to the credit of the general fund for the reduction of taxation.

Laws Applicable to; Participation in State
Literature and Other Funds.

Section 1141.

All acts of the legislature now in force with regard to the said normal college, its control, management, support and affairs, not inconsistent with the provisions of this act, are hereby declared to be applicable to said college. The Normal College of the City of New York shall be entitled to participate in the distribution of the income of the literature, and other funds of the state in the same manner, and

Section 1141
(Cont'd)

upon the same conditions as the other colleges of the state, and the regents of the university of the State of New York shall pay annually to the comptroller of the City of New York, as trustee for said college, the distributive share of the said funds to which the said Normal College of The City of New York shall by law be entitled, and which shall be applied and expended for library books for said college.

Trustees to Report Annually the Amount Required to Pay Salaries, etc.; Such Amount to be Raised by Taxation; Board of Aldermen May Increase Amount Named Herein.

Section 1142

It shall be the duty of the trustees of said college annually, on or before the fifteenth day of October, to report to the board of estimate and apportionment such sum, not exceeding one hundred and fifty thousand dollars in any one year, as they may require for the payment of salaries of the professors and officers of the said college, for obtaining and furnishing scientific apparatus, books for the students and all other necessary supplies therefor, for repairing and altering the college buildings, and for the support, maintenance and general expenses of said college; and the said board of estimate and apportionment, and the board of aldermen of The City of New York are hereby authorized and directed, in each and every year to raise and collect by tax on the estate, real and personal, liable to taxation in said city, such sum of money not exceeding the amount aforesaid, as may be reported to them by said trustees, the amount so to be raised and collected to be in addition to the sums required for the purposes of common schools in The City of New York, under the act entitled, "An Act to amend, consolidate and reduce to one act the several acts of the state of New York relative to common schools of The City of New York", passed July third, eighteen hundred and fifty-one, and the several acts amendatory thereto. Upon the recommendation of the trustees, the board of estimate and apportionment and the board of aldermen may increase from time to time the amount annually to be raised in the tax levy for the maintenance of the normal college.

Instruction to be Furnished Gratuitously and Otherwise by Hunter College of the City of New York; degrees and diplomas.

Section 1143.

(As amended by Chapter 512 of the Laws of 1918)

The said board of trustees of said college shall continue to furnish, through Hunter College of the City of New York, the benefit of education gratuitously to girls who have been pupils in the common schools of the city of New York as constituted by this act, for a period of time to be regulated by the board of trustees of said college, and to all other girls who are actual residents of said city, and who are qualified to pass the required examinations for admission to said college; and the board of trustees, upon the recommendation of the faculty of the said college, may grant the usual degrees and diplomas to such persons as shall have completed a full course of study in the said college. The trustees may also, upon such terms and conditions as to admission and attendance as they may prescribe, furnish gratuitously or otherwise, for female and male students actual residents or employees of said city, special courses and courses of study in voca-

Section 1143
(Cont'd)

tional subjects and civic administration, and other educational advantages, including the admission of non-matriculated students, within the college buildings or elsewhere; and may grant appropriate certificates and vocational diplomas and degrees to such students as shall have completed the courses or studies so prescribed. All sums of money, if any, received by said college, as provided by this section, shall be accounted for and paid into the city treasury, and shall at once be appropriated by the board of estimate and apportionment to a special fund to be administered by the trustees of Hunter College of the City of New York in furnishing and conducting the said special courses and courses of study in vocational subjects and civic administration, non-matriculated student privileges and other special educational advantages.

See
Exhibit C

The trustees of the college shall report to the comptroller of the city the amount of the unexpended balance in such special fund at the end of each fiscal year, and any such balance which shall remain unappropriated by the said board of trustees at the end of the succeeding fiscal year shall then be paid into the city treasury to the credit of the general fund.

Annual Reports of Trustees.

Section 1144.

The trustees of the Normal College of the City of New York shall make and transmit annually, on or before the first day of February in each year, to the board of aldermen and also to the secretary of the board of regents of the university of the state of New York, a report, dated on the last secular day of December next preceding, which report shall state the names and ages of all the pupils instructed in said college during the preceding year, and the time that each was so instructed, specifying which of them have completed a full course of study therein, and which have received degrees, medals and other special testimonials; a particular statement of the studies pursued by each pupil since the last preceding report, together with the books such student shall have studied, in whole or in part, and if in part, what portions; an account or estimate of the library, philosophical and chemical apparatus and mathematical and other scientific instruments belonging to said college; the names of the instructors employed in said college and the compensation paid to each; what amountx of moneys the board of trustees received during the year for the purposes of said college and from what source, specifying how much from each, and the particular manner and the specific purposes for which such moneys have been expended, and such other information in relation to education in the said college, and the measures of the board of trustees in the management thereof, as the board of education or the regents of the university of the state of New York may from time to time require.

Money Appropriated for, to be Expended when Required by
Trustees; Contracts by Trustees.

Section 1145.

The moneys apportioned to the board of education of said City of New York by the board of estimate and apportionment and board of aldermen, for the payment of the salaries of the professors and officers of said college, for obtaining and furnishing scientific apparatus, books for the students and all other necessary supplies therefor, for repairing and altering the college buildings, and for the support, maintenance and general expenses of said college, shall be expended for said normal college when required

Section 1145
(Cont'd)

by the trustees of the Normal College of The City of New York, with the same right, power, and authority as if the said college were under the control of the board of education of The City of New York. All contracts entered into or liabilities incurred by said trustees involving the expenditure of more than one thousand dollars, except agreements for the payment of salaries, shall be entered into and incurred in the same manner and subject to the restrictions and limitations provided as to other expenditures of public moneys as provided for in this act.

Hunter College Teachers' Retirement Fund.

Section 1146 (As amended by Chapter 584 of the Laws of 1918 and Chapter 166 of the Laws of 1921)

The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) "Retirement system" shall mean the arrangement for the payment of retirement allowances, under the provisions of this act.
- (2) "Retirement board" shall mean the retirement board provided for in subdivision B of this act.
- (3) "Hunter College" shall mean Hunter College, Hunter College high school and Hunter College model school.
- (4) "Teacher" shall mean the president of Hunter College, professors, associate professor, assistant professors, instructors, assistant instructors, laboratory assistants in Hunter College, the principal and teachers of Hunter College high school, the principal and teachers in the Hunter College model school, and all employees of Hunter College and its high school and model school appointed to regular positions at an annual salary, except the janitor and his assistants.
- (5) "Present-teacher" shall mean any teacher employed in Hunter College as a teacher on the first day of August, nineteen hundred and eighteen, or on leave of absence on said date.
- (6) "New entrant" shall mean any teacher appointed to serve in Hunter College after the first day of August, nineteen hundred and eighteen.
- (7) "Contributor" shall mean any present teacher or new-entrant.
- (8) "Beneficiary" shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided in this act.
- (9) "City-service" shall mean any service as an employee of the city of New York, or of any department, bureau, board or corporation created under the provisions of the Greater New York charter, or as an employee in any of the municipalities, counties or parts thereof which are included within the boundaries of the city of New York, or which have been incorporated into said city.
- (10) "Prior-service" shall mean all city-service and all teaching or supervisory service in schools or colleges not maintained by the city of New York, computed to and including the sixteenth day of September, nineteen hundred and eighteen, in the case of a present-teacher; and in the case of a new-entrant, to the date of his appointment as a teacher, subject to the limitations and restrictions imposed by subdivision G of this act.
- (11) "Total-service" shall mean all prior service together with all subsequent service as a teacher or contributor as provided in this act.
- (12) "Service retirement" shall mean retirement as defined in subdivision I of this act.
- (13) "Disability retirement" shall mean retirement as defined in subdivision J of this act.

See
Exhibit Dⁱ

Section 1146
(Cont'd)

(14) "Average salary" shall mean the average annual salary earnable by a contributor for the ten years immediately preceding retirement, except that (a) in case a contributor in Hunter College and Hunter College high school shall retire prior to the first day of January, nineteen hundred and twenty-three, average salary shall mean the average ~~salary~~ annual salary earnable by the contributor since the first day of January, nineteen hundred and thirteen, and (b) in case a contributor in Hunter College model school shall retire prior to the first day of January, nineteen hundred and twenty-eight, average salary shall mean the average annual salary earnable by the contributor since the first day of January, nineteen hundred and eighteen.

(15) "Minimum contribution" shall mean (a) the amount realized by deducting from the salary of a contributor three per centum of his earnable salary; or (b) such per centum thereof, if less than three per centum, as shall be computed to be sufficient, with regular interest, when paid until sixty-five, to provide for him on retirement at that age an annuity which, when added to his pension provided for in this act, will provide a retirement allowance of fifty per centum of his average salary.

(16) "Minimum accumulation" shall mean the amount created by the accumulation of the minimum contributions, together with the regular interest thereon.

(17) "Accumulated deductions" shall mean the total of the amounts deducted from the salary of a contributor and standing to the credit of his individual account in the annuity savings funds, together with the regular interest thereon.

(18) "Regular interest" shall mean interest at four per centum per annum, compounded annually.

(19) "Pension" shall mean payments for life derived from appropriations made by the city of New York and from any other sources of revenue of the pension reserve fund as provided ~~for~~ in this act.

(20) "Annuity" shall mean payments for life derived from contributions made by a contributor as provided in this act.

(21) "Retirement allowance" shall mean the pension, plus the annuity.

(22) "Pension reserve" shall mean the present value, computed on the basis of such mortality tables as shall be adopted by the retirement board, with regular interest, of the future payments to be made on account of any pension granted under the provisions of this act.

(23) "Annuity reserve" shall mean the present value, computed in the basis of such mortality tables as shall be adopted by the retirement board, with regular interest, of the future payments to be made on account of any annuity or benefit granted and based on the accumulated deductions of the contributor.

(24) "Expense fund" shall mean the fund provided for in paragraph numbered one in subdivision E of this act.

(25) "Contingent reserve fund" shall mean the fund provided for in paragraph numbered two in subdivision E of this act.

(26) "Pension reserve fund number one" shall mean the fund provided for in paragraph numbered three in subdivision E of this act.

(27) "Pension reserve fund number two" shall mean the fund provided for in paragraph numbered four of subdivision E of this act.

(28) "Annuity savings fund" shall mean the fund provided for in paragraph numbered five in subdivision E of this act.

(29) "Annuity reserve fund" shall mean the fund provided for in paragraph numbered six in subdivision E of this act.

Section 1146
(Cont'd)

(30) "Fiscal year" shall mean the year commencing with January first and ending with December thirty-first next following.

A. A retirement system shall be established on the first day of August nineteen hundred and eighteen, which shall be known as the Hunter College retirement system of the city of New York.

B. 1. A retirement board is hereby constituted which shall consist of the following:

- (a) The president of Hunter College.
- (b) The comptroller of the city of New York
- (c) The chairman of the board of trustees of Hunter College
- (d) Two other members elected annually by the board of trustees of Hunter College from their own number,

2. The members of the retirement board shall serve as such without compensation but shall be reimbursed from the expense fund for any necessary expenditures, and no contributor shall suffer loss of salary through serving on the retirement board.

3. The retirement board shall select from its membership a chairman and shall appoint such employees as may be necessary.

4. The compensation of all employees of the retirement board shall be fixed by said retirement board subject to the approval of the board of estimate and apportionment.

5. Subject to the limitations of this act and of law, the retirement board shall, from time to time, establish rules and regulations for the administration of the funds created by this act and for the transaction of its business.

6. The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various funds created by this act.

7. In the year nineteen hundred and twenty and nineteen hundred and twenty-three, and in every fifth year thereafter, the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act, and shall make a valuation of the various funds created in this act, and on the basis of such investigation and valuation, the retirement board shall:

See
Exhibit D^{II}

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(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary;

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act; and

(c) Certify the rates of contribution, expressed as a percentage of salary of new-entrants at various ages, which shall be made by the city of New York to the contingent reserve fund.

8. Immediately after the passage of this act, the retirement board shall make such investigation of the mortality, service and salary experience of the teachers as it shall deem necessary. On the basis of such investigation, the retirement board shall adopt such tables and certify such rates as are required in subsections a, b and c of paragraph seven immediately preceding. On the basis of such tables the retirement board shall, as soon as practicable after the first day of August, nineteen hundred and eighteen, make a valuation of the various funds created by this act.

B. 9. The retirement board shall publish annually a report certified to by each member, showing the condition of the various funds created by this act, and setting forth such facts, recommendations and data as may be of use in the advancement of knowledge concerning teachers' pensions and annuities; and said retirement board shall submit said report to the mayor of the city of New York and shall file at least nine copies thereof. It shall also file at least three copies in the office of the president of Hunter College for the use of the teachers of Hunter College.

10. Each member of the retirement board shall take an oath of office that he will, so far as it devolves upon him, diligently and honestly administer the affairs of said retirement board, and that he will not knowingly violate, or willfully permit to be violated, any of the provisions of law applicable to this act. Such oath shall be subscribed by the member making it, and certified by the officer before whom it is taken, and shall be immediately filed in the office of the clerk of the county of New York.

11. A majority vote shall be necessary for a decision of the retirement board.

12. The retirement board shall keep a record of all its proceedings open to public inspection.

13. The retirement board shall perform such other functions as are required for the execution of the provisions of this act.

C. For the purposes of this act, the retirement board shall possess the powers and privileges of a corporation, and as such may sue and be sued. The corporation counsel of the city of New York shall be legal adviser of said retirement board.

D. The funds created by this act shall be managed as follows:

1. The members of the retirement board shall be the trustees of the several funds created by this act, and shall have exclusive control and management of said funds, and shall have full power to invest the same, subject, however, to all terms, conditions, limitations and restrictions imposed by this act upon the making of investments and subject also to the terms, conditions, limitations and restrictions imposed by law upon savings banks; in the making and disposing of investments by savings banks; and, subject to like terms, conditions, limitations and restrictions, said trustees shall have full power to hold, purchase, sell, assign, transfer or dispose of any of the securities and investments in which any of the funds created by this act shall have been invested, as well as the proceeds of said investments, and of any moneys belonging to said funds. The retirement board shall annually allow regular interest on each of the funds as provided for in this act, with the exception of the expense fund and pension reserve fund number two. The amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the retirement board.

2. The comptroller of the city of New York shall be the custodian of the several funds created by this act.

3. Payments from the funds created by this act shall be made by the comptroller of the city of New York upon warrants signed by the chairman and countersigned by the secretary of the retirement board; and no warrant shall be drawn except by order of the retirement board duly entered in the record of its proceedings.

4. For the purpose of meeting disbursements for pensions, annuities and other payments in excess of the receipts, there may be kept an available fund, not exceeding ten per centum of the total amount in the several funds created by this act, on deposit in any bank in this state, organized under the laws thereof or under the laws of the United States, or with any trust company incorporated by any law of this state, provided said bank or trust company shall furnish adequate security for said funds, and provided that the sum so deposited in any one bank or trust company shall not exceed twenty-five per centum of the paid-up capital and surplus of said bank or trust company.

D. 5. Except as herein provided, no member and no employee of the retirement board shall have any interest, direct or indirect, in the gains or profits of any investment made by the retirement

board, nor as such, directly or indirectly, receive any pay or emolument for his services. And no member or employee of said retirement board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits, or in any manner use the same except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of said retirement board become an indorser or surety, or become in any manner an obligor for moneys lent by or borrowed of said retirement board.

E. The funds hereby created are the expense fund, the contingent reserve fund, pension reserve fund number one, pension reserve fund number two, the annuity savings fund and the annuity reserve fund.

1. The expense fund shall consist of such amounts as shall be appropriated by the board of estimate and apportionment, on estimates submitted by the retirement board, to defray the expenses of the administration of this act, exclusive of the payment of pensions, of annuities, of retirement allowances and of the other benefits provided for in this act.

2. Beginning in the month of August, nineteen hundred and eighteen, the city of New York shall pay each month into a fund to be known as the contingent reserve fund, on account of each new-entrant, such amount as shall be certified by the retirement board as necessary to provide, during the prospective active service of such new-entrant, for the pension reserve required at the time of retirement to pay the disability or service pension allowable by the city under the provisions of this act. The amount so certified by the retirement board shall be computed to bear a constant ratio to the salary of such new-entrant during his entire period of prospective active service, and shall be based on such mortality and other tables as shall be adopted by the retirement board, and on the regular interest.

3. Upon the retirement of a new-entrant, an amount equal to his pension reserve fund shall be transferred from the contingent reserve fund into a fund to be known as pension reserve fund number one; his pension shall be paid from said pension reserve fund number one. Should said new-entrant be subsequently restored to active service, his pension reserve shall thereupon be transferred from pension reserve fund number one to the contingent reserve fund.

4. Pension reserve fund number two shall consist of amounts

contributed by the city of New York to pay all the pensions and the other benefits of present-teachers who shall be retired or who shall become eligible for retirement after the thirty-first day of July, nineteen hundred and eighteen, which are not payable from any other fund created by this act. Pensions and other benefits allowable to present-teachers, provision for the payment of which out of any other fund created by this act is not specifically made, shall be paid out of pension reserve fund number two.

5. The annuity savings fund shall consist of the accumulated deductions from the salaries of contributors made, under such rules and regulations as the retirement board shall prescribe, as follows:

(a) From the salary of each present-teacher, except as provided in paragraph seven of this subdivision, there shall be deducted such per centum of his earnable salary as he shall elect, provided, however, that such contributor shall be limited in his choice to one of the following rates:

(1) Three per centum of his earnable salary.

(2) Such per centum of his earnable salary as shall be computed to be sufficient, with regular interest, when paid until age sixty-five, to provide for him on retirement at that age an annuity which, when added to his pension, provided for in this act, will provide a retirement allowance of fifty per centum of his average salary.

(3) A per centum of his earnable salary greater than three per centum thereof.

Should any present-teacher, except as provided in paragraph seven of this subdivision, fail to make such an election, he shall be deemed to have elected a deduction from his salary at the rate of three per centum of his earnable salary.

(b) From the salary of each new-entrant, except as provided in paragraph seven of this subdivision, there shall be deducted such per centum of his earnable salary as shall be computed to be sufficient, with regular interest, to procure for him on service retirement an annuity equal to twenty-five per centum of his average salary; the rate per centum of said deduction from salary shall be based on such mortality and other tables as the retirement board shall adopt, together with regular interest, and shall be computed to remain constant during his prospective teaching service prior to eligibility for service retirement; but no beneficiary restored to duty shall be required to contribute a per

centum of his earnable salary greater than the per centum thereof which he was required to contribute prior to his retirement.

(c) And the trustees of Hunter College shall deduct on each and every payroll of a contributor for each and every payroll period subsequent to July thirty-first, nineteen hundred and eighteen, such per centum of the total amount of salary earnable by the contributor in such payroll period as shall be certified to said trustees by the retirement board as proper in accordance with the provisions of this act. In determining the amount earnable by a contributor in a payroll period, the retirement board shall consider the rate of salary payable to such contributor on the first day of each regular payroll period as continuing throughout such payroll period, and it may omit salary deductions for any period less than a full payroll period in cases where the teacher was not a contributor on the first day of the regular payroll period; and to facilitate the making of the deductions, it may modify the deduction required of any contributor by such amount as shall not exceed one-tenth of one per centum of the salary upon the basis of which the deduction is to be made; and said trustees shall certify to the comptroller on each and every payroll the amounts to be deducted; and each of said amounts so deducted shall be paid into said annuity savings fund, and shall be credited, together with regular interest, to an individual account of the contributor from whose salary the deduction was made.

6. Upon the retirement of a contributor, his accumulated deductions shall be transferred from the annuity savings fund to a fund to be known as the annuity reserve fund; his annuity shall be paid out of said annuity reserve fund. Should such a beneficiary be restored to active service, his annuity reserve shall thereupon be transferred from the annuity reserve fund to the annuity savings fund.

E. 7. No contributor shall be required to continue to contribute to the annuity savings fund after he shall have become eligible for service retirement; all contributions made thereafter to said fund shall be voluntary.

F. Regular interest and charges payable, the creation and maintenance of reserves in the contingent reserve fund, and the maintenance of annuity reserves and pension reserves as provided for in this act, and the payment of all pensions, annuities, retirement allowances, refunds, death benefits and any other benefits

a contributor was absent on leave of absence without pay shall not be counted in computing the prior service or the total service of a contributor, unless allowed by the board of trustees; the time during which a contributor was absent on leave of absence on full pay or part pay from city service shall be counted in computing the prior service and the total service of said contributor. For the purpose of computing prior service, the retirement board shall fix and determine by appropriate rules and regulations how much service rendered on the basis of the hour, day or session, or any other than a per annum basis, shall be the equivalent of a year of service, but not more than one year shall be credited for all service rendered in any calendar year.

H. Should a contributor separate from the position by virtue of which he is a contributor under the provisions of the act, except by retirement or pension, he shall cease to be a contributor and, if living, he shall be paid forthwith, or if dead, his estate, or such person as he shall have nominated by written designation duly acknowledged and filed with the retirement board, shall be paid the full amount of the accumulated deductions standing to the credit of his individual account in the annuity savings fund.

I. Retirement for service shall be as follows:

1. Any contributor may retire from service upon written application to the retirement board setting forth at what time subsequent to the execution of said application he desires to be retired. Said application shall retire said contributor at the time so specified, provided

(a) He has reached or passed the age of sixty-five; or

(b) If a present-teacher, he has a total service of thirty-five years or more; or

(c) If a new-entrant, he has a total service of thirty-five years or more, at least fifteen of which shall have been city service.

2. Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for service forthwith, or at the end of the school term in which said age of seventy years is attained.

J. Retirement for disability shall be made and discontinued as follows:

1. Upon the application of the board of trustees or upon the application of said contributor or of one acting in his behalf, the retirement board shall retire said contributor for disability, provided that after a medical examination of said contributor by a

a contributor was absent on leave of absence without pay shall not be counted in computing the prior service or the total service of a contributor, unless allowed by the board of trustees; the time during which a contributor was absent on leave of absence on full pay or part pay from city service shall be counted in computing the prior service and the total service of said contributor. For the purpose of computing prior service, the retirement board shall fix and determine by appropriate rules and regulations how much service rendered on the basis of the hour, day or session, or any other than a per annum basis, shall be the equivalent of a year of service, but not more than one year shall be credited for all service rendered in any calendar year.

H. Should a contributor separate from the position by virtue of which he is a contributor under the provisions of the act, except by retirement or pension, he shall cease to be a contributor and, if living, he shall be paid forthwith, or if dead, his estate, or such person as he shall have nominated by written designation duly acknowledged and filed with the retirement board, shall be paid the full amount of the accumulated deductions standing to the credit of his individual account in the annuity savings fund.

I. Retirement for service shall be as follows:

1. Any contributor may retire from service upon written application to the retirement board setting forth at what time subsequent to the execution of said application he desires to be retired. Said application shall retire said contributor at the time so specified, provided

(a) He has reached or passed the age of sixty-five; or

(b) If a present-teacher, he has a total service of thirty-five years or more; or

(c) If a new-entrant, he has a total service of thirty-five years or more, at least fifteen of which shall have been city service.

2. Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for service forthwith, or at the end of the school term in which said age of seventy years is attained.

J. Retirement for disability shall be made and discontinued as follows:

1. Upon the application of the board of trustees or upon the application of said contributor or of one acting in his behalf, the retirement board shall retire said contributor for disability, provided that after a medical examination of said contributor by a

physician or physicians designated by the retirement board made at the place of residence of said contributor or at a place mutually agreed upon, it shall be certified to the retirement board that said contributor is physically or mentally incapacitated for the performance of duty, and that said contributor ought to be retired, and provided further that said contributor has had ten or more years of city service.

2. Once each year the retirement board may require any disability pensioner, while still under the age of sixty-five years, and who has not had thirty years of service, to undergo medical examination by a physician or physicians designated by the retirement board, said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should the retirement board, as the result of such examination, report and certify that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty, the board of trustees of Hunter College may, upon notification by the retirement board of such report, reappoint said beneficiary to such a position as was held by, and at such a rate of salary as was paid to, said beneficiary at the time of his retirement.

3. Should any disability beneficiary, while under the age of sixty-five years, who has not had thirty years of service, refuse to submit to at least one medical examination in any year by a physician or physicians designated by the retirement board, his pension shall be discontinued until the withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to the pension constituted by this act shall be forfeited.

4. Upon application of any beneficiary under the age of sixty-five years drawing a pension or a retirement allowance under the provisions of this act, approved by the retirement board, said beneficiary may be restored to active service by the board of trustees of Hunter College. Upon the restoration of a beneficiary to active service, his retirement allowance shall cease.

K. A contributor, on retirement, shall receive a retirement allowance which shall consist of:

1. A pension calculated as follows:

(a) For disability retirement, twenty per centum of his average salary.

(b) For service retirement, or for disability retirement after he becomes eligible for service retirement, twenty-five per centum of his average salary.

(c) If the contributor retiring is a present-teacher, he shall receive, in addition to the pension prescribed in sections (a) or (b) a pension computed at the rate of one-thirty-fifth of twenty-five per centum of his average salary for each year of prior service as certified to said present-teacher in the certificate issued to him by the retirement board under the provisions of subdivision G of this act, but in no event shall the total pension exceed fifty per centum of his average salary.

2. An annuity, in addition to the pension, which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, provided that in no case shall such annuity be less, for each one hundred dollars of accumulated deductions of a present-teacher at the time of retirement, than is shown in the following schedule:

Age at retirement.	Annuity in case of men teachers.	Annuity in case of women teachers.
48	\$7 20	\$6 52
49	7 34	6 64
50	7 49	6 77
51	7 65	6 90
52	7 82	7 04
53	8 00	7 19
54	8 19	7 35
55	8 39	7 52
56	8 61	7 70
57	8 84	7 89
58	9 09	8 10
59	9 35	8 31
60	9 63	8 54
61	9 93	8 79
62	10 25	9 05
63	10 60	9 33
64	10 96	9 63
65	11 36	9 95
66	11 78	10 30
67	12 24	10 67
68	12 72	11 06
69	13 25	11 48
70	13 81	11 94

L. At the time of his retirement, any contributor may elect to receive his benefits in a retirement allowance payable throughout

life, or he may, on retirement, elect to receive the actuarial equivalent at that time of his annuity, his pension or his retirement allowance in a lesser annuity or a lesser pension or a lesser retirement allowance, payable throughout life, with the provision that:

Option I. If he die before he has received in payments the present value of his annuity, his pension or his retirement allowance, as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such persons having an insurable interest in his life, as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

Option II. Upon his death, his annuity, his pension or his retirement allowance, shall be continued throughout the life of, and paid to, such person, having an insurable interest in his life, as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement.

Option III. Upon his death, one-half of his annuity, his pension or his retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall nominate by written designation, duly acknowledged and filed with the retirement board at the time of his retirement.

Option IV. Some other benefit or benefits shall be paid either to the contributor or to such other person or persons as he shall nominate, provided such other benefit or benefits, together with such lesser annuity or lesser pension or lesser retirement allowance, shall be certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement board.

M. A pension, an annuity or a retirement allowance, granted under the provisions of this act, shall be paid in equal monthly installments, and shall not be decreased, increased, revoked or repealed, except as otherwise provided in subdivision J of this act.

N. Subject to such terms and conditions and to such rules and regulations as the retirement board shall adopt, any present-teacher may retire upon written application to the retirement board after he has completed thirty and less than thirty-five years of service, upon a retirement allowance consisting of:

(a) An annuity, which shall be the actuarial equivalent of his accumulated deductions; and, in addition thereto,

(b) A pension, which shall be equal to one-one hundred and fortieth of his average salary for each year of his total service, plus an additional one-one hundred and fortieth of his average salary for each year of his prior service.

O. The retirement system created by this act shall be subject to the supervision of the department of insurance in accordance with the provisions of sections thirty-nine and forty-five of the insurance law, so far as the same are applicable thereto and are not inconsistent with the provisions of this act.

P. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this act, and the moneys in the various funds created under this act, are hereby exempt from any state or municipal tax, and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as in this act specifically otherwise provided.

Education Law

EDUCATION LAW

State of New York.

Article 33-b

Salaries of the Members of the Supervising and Teaching Staff in City Schools.

- Section 882 Powers of board of education as to salaries.
- 883 Salaries in cities of the first class having a population of one million or over.
- 883-a Special provisions as to certain high schools.
- 884 Salaries in cities of the first class having a population of less than one million.
- 885 Salaries in cities of a population of fifty thousand and less than one hundred and fifty thousand.
- 886 Salaries in cities of a population of less than fifty thousand.
- 887 -b Salaries in union free school districts.
- 887 Board to fix salaries
- 888 Salaries and increments
- 889 Schedule to be filed.

Section 882 Powers of Board of education as to salaries. The board of education of each city of the state shall adopt by-laws fixing the salaries of the superintendent of schools, associate, district and other superintendents, members of the board of examiners, if any, directors, inspectors, supervisors, principals, teachers, lecturers, special instructors, and all other members of the supervising and the teaching staff. Such by-laws shall establish uniform schedules of salaries for all members of the supervising and teaching staff in each city. The salaries and salary increments so fixed for principals and teachers by the by-laws of the board of education of each city, on and after January 1, 1920, shall be not less than those prescribed in the following sections of this article. (Added by L. 1919, Ch. 645.)

Section 883 Salaries in cities of the first class having a population of one million or over. The schedules adopted by the board of education, in a city of one million inhabitants or more, shall not discriminate between the salaries and salary increments of members of the teaching staff in such schools because of the sex of said members notwithstanding any provision of the charter of such city inconsistent herewith. On and after August first nineteen hundred and twenty, such salaries and increments shall be not less than those prescribed in the following schedules.

See Exhibit E

A. Elementary Schools

B. HIGH SCHOOLS AND TRAINING SCHOOLS.

Section 883
(Cont'd)

Schedule B-1. Assistant teachers, including teachers of cooking, sewing and physical training, model teachers and critic teachers. First year, one thousand nine hundred dollars; annual increment one hundred and fifty dollars; number of annual increments, twelve.

Schedule B-2. First Assistants: First year, three thousand two hundred dollars; annual increments, two hundred dollars, number of annual increments, five.

Schedule B-3. Clerical, laboratory, library and placement and investigation assistants: First year, one thousand four hundred dollars; annual increment, one hundred dollars; number of annual increments, ten.

Schedule B-4. Principals of training and high schools having twenty-five or more classes: First year, five thousand five hundred dollars; annual increment, two hundred and fifty dollars; number of annual increments, two.

The board of education of such city shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, which schedules and schedule conditions shall fix the compensation or salaries of the members of the teaching and supervising staffs, as specified and required in the foregoing schedules, and shall also fix the compensation or salaries of all other members of the teaching and supervising staffs and of other employees of the board of education, whether on a per annum or on a non-per annum basis, including in addition to those falling within the foregoing schedules, the superintendent of schools, all associate, district or other superintendents, members of the board of examiners, assistant examiners, directors, assistant directors, inspectors supervisors, special instructors, special teachers, administrative assistants, clerical assistants, librarians, attendance officers, secretaries, auditors, clerks, teacher clerks and all officers and employees of said board of education, notwithstanding any provision to the contrary contained in the charter of such city or in any act relating to such city or in any general, special or local act. The schedules and schedule conditions so to be adopted, fixing the salaries of such members of the teaching and supervising staffs and other employees as do not fall within the foregoing schedules, shall provide that on and after the first day of August, nineteen hundred and twenty, the compensation, salaries and salary increments to be paid to each of said persons shall be not less than the compensation or salaries fixed for each of said persons by the schedules and schedule conditions adopted by said board of education as filed with the Commissioner of Education prior to the first day of April, nineteen hundred and twenty, plus the following amounts: not less than thirty per centum of all compensation or salary of each of said persons, as so fixed in such schedules and schedule conditions, if such compensation or salary earnable during any one year does not exceed two thousand dollars; not less than twenty per centum of the compensation or salary of each of said persons, as so fixed in such schedules and schedule conditions, if such compensation and salary earnable during any one year exceeds two thousand dollars, but does not exceed four thousand dollars; and not less than ten per centum of the compensation or salary of each of said persons, as so fixed in such schedules and schedule conditions, if such compensation or salary earnable during any one year exceeds four thousand dollars. Any provision in any schedule or schedule condition which postpones the full operation of said schedules beyond the first day of August, nineteen hundred and twenty, shall be of no effect and any provision of law which ~~authorizes~~ authorizes such postponement beyond the first day of August, nineteen hundred and twenty, is hereby repealed and the compensation, salaries and salary increments in

Section 883
(Cont'd)

in the schedules to be adopted pursuant to the provisions of this act shall become fully operative and shall be paid on and after first day of August, nineteen hundred and twenty, subject, however, to provisions of law relating to approval of service as satisfactory. (Added by L. 1919, Ch. 645; amended by L. 1920, Ch. 680, in effect May 10, 1920.)

C. COLLEGES.

On and after the first day of June, nineteen hundred and twenty-one, the compensation and salaries of the officers of administration and instruction and other employees of any public institution of higher learning, conferring degrees and subject to the provisions of this law relative to colleges, and in which the compensation and salaries of such persons are paid directly ~~and~~ or indirectly out of moneys appropriated by the board of estimate and apportionment or like financial authority of such city of one million inhabitants or more, shall not be less than those prescribed in the following schedules:

Schedule C-1. Fellows: minimum of five hundred dollars per annum and maximum of one thousand dollars per annum.

Schedule C-2. Tutors: minimum of one thousand dollars per annum and maximum of two thousand dollars per annum.

Schedule C-3. Clerical, library, laboratory and investigation assistants: minimum of one thousand four hundred dollars per annum and maximum of two thousand four hundred dollars per annum.

Schedule C-4. Instructors: minimum of two thousand dollars per annum and maximum of three thousand five hundred dollars per annum.

Schedule C-5. Assistant professors and the secretary to the president or the secretary of the college: minimum of three thousand dollars per annum and maximum of four thousand five hundred dollars per annum.

Schedule C-6. Associate professors: minimum of four thousand five hundred dollars per annum and maximum of five thousand five hundred dollars per annum.

Schedule C-7. Lecturers: minimum of two thousand dollars per annum and maximum of five thousand dollars per annum.

Schedule C-8. Curator and auditor: minimum of four thousand dollars per annum and maximum of six thousand dollars per annum.

Schedule C-9. Professors: minimum of five thousand dollars per annum and ~~the~~ maximum of eight thousand dollars per annum.

Schedule C-10. Dean of a faculty; librarian and secretary of a faculty: minimum of two hundred dollars per annum and maximum of five hundred dollars per annum in addition to the salaries of their instructional ranks.

Schedule C-11. The president: minimum of ten thousand dollars per annum and maximum of twelve thousand ~~five~~ hundred dollars per annum.

Schedule C-12. Services on an hourly basis of compensation: persons appointed by the trustees to positions in the ~~evening~~ and summer session with compensation on an hourly basis, shall be compensated for each hour of such service at a rate not less than one one-thousandth of the annual salary for their respective grades as established in accordance with the provisions of the other schedules herein.

Section 883
(Cont'd)

Schedule C-13. Other positions: the compensation, salaries and salary increments of employees of such institutions of higher learning, appointed by the trustees to positions other than those designated in the foregoing schedules, shall be not less than those that have been or may be fixed and adopted by the board of education of such city pursuant to the provisions of chapter six hundred and eighty of the laws of nineteen hundred and twenty, for civil service employees other than executive officers performing like service under said board of education.

The board of trustees of each such institution of higher learning shall adopt schedules and schedule conditions to become effective not later than the first day of June, nineteen hundred and twenty-one, which schedules and schedule conditions shall fix the compensation or salaries of the members of the teaching and supervising staffs and other employees according to the provisions of this subdivision, but they shall not include in such schedules and schedule conditions any provision which postpones the full operation of such schedules beyond the first day of June, nineteen hundred and twenty-one. The said trustees shall make appointments to the various grades and positions provided for in the schedules herein authorized and they shall, at such times as they may elect, make promotions from grade to grade, grant salary increments which they may legally establish within the minimum and maximum limits of the various schedules adopted by said trustees, and appoint persons to temporary or part time service. The said trustees shall make up their pay-roll budgets in amounts sufficient to cover compensation for all persons appointed by them, at rates in accordance with the provisions of this subdivision, and a reserve sum upon which to draw for the compensation of minor, temporary employees; but in making their appointments and in preparing the salary budgets of their institutions, they shall not, without the consent by majority vote of the board of estimate and apportionment or like financial authority of said city, in any one year; (a) include a total sum for incumbents under schedule C-nine in excess of twenty-five per centum of the total salary provision in said budget for all incumbents under schedules C-one to C-eleven, both inclusive; (b) include in the salary budget an item in excess of one thousand dollars to be used to pay for the services of persons appointed to temporary, minor positions. The board of estimate and ~~apportionment~~ apportionment or like financial authority of such city shall, in addition to providing and making appropriation for all other requirements of such institution of higher learning, appropriate annually and at other times when necessary an amount or amounts sufficient to pay the salaries fixed in accordance with the provisions of this subdivision, and shall pay such salaries to the persons employed in such institutions. The trustees of said institution shall apply all amounts so appropriated solely for the payment of salaries fixed as herein provided to persons holding positions in such institution. The provisions of this subdivision shall be carried into full force and effect notwithstanding any provision to the contrary in the charter of such city or in any act relating to such city or in any general, special or local act; and any provision of law which authorizes the postponement of the full operation of the salary schedules provided in this subdivision, beyond the first day of June, nineteen hundred and twenty-one, is hereby repealed and the compensation, salaries and salary increments in the schedules adopted as herein provided shall become fully operative on and after the first day of June, nineteen hundred and twenty-one, subject, however, in each case, to provisions of law, if any, relating to approval of service as satisfactory. No present salary shall be lowered by the operation of this subdivision. (Subdivision C added by L. 1921, Ch. 120 in effect March 28, 1921.)

Section 883-a. Special provisions as to certain high schools. In a city of the first class having a population of one million or more inhabitants, the board of trustees, officers or bodies having appropriate jurisdiction shall adopt schedules and schedule conditions to become effective on and after the first day of August, nineteen hundred and twenty, fixing the compensation or salaries of principals, assistants, teachers, instructors, clerical assistants and all persons employed in the management, administration or supervision of a high school or a model school in said city, in which high school or model school the compensation or salaries of said persons are paid directly or indirectly out of moneys appropriated by the board of estimate and apportionment or like financial authority in said city, and in which the minimum curriculum or course of study is established or is subject to approval by the board of education of said city or by the board of regents of the state of New York, and which is maintained in every respect as a public high school or model school. Such schedules shall provide for compensation, salaries and salary increments to be paid to each of said persons which shall be not less than those fixed and adopted by the board of education of said city pursuant to the provisions of this act, for principals, teachers, instructors, clerical assistants and employees performing like services in the high schools and model schools under the jurisdiction of said board of education. The board of estimate and apportionment or like financial authority of such city shall, in addition to any other appropriation provided by law for such school, appropriate annually for such school an amount sufficient to pay the increases in salaries provided for in this section, and the money so appropriated shall be used for the payment of said increases in salaries. (Added by L. 1920, Cha. 680, in effect May 10, 1920)