

5153--A

2013-2014 Regular Sessions

I N   S E N A T E

May 13, 2013

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to probation officers in the Suffolk county department of probation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The retirement and social security law is amended by adding  
2 a new section 63-g to read as follows:  
3     S 63-G. PERFORMANCE OF DUTY DISABILITY RETIREMENT; CERTAIN EMPLOYEES.  
4 ANY MEMBER EMPLOYED BY THE SUFFOLK COUNTY PROBATION DEPARTMENT AS A  
5 PROBATION OFFICER, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR  
6 THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN  
7 INJURY SUSTAINED IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES  
8 SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE  
9 EQUAL TO ONE-HALF HIS OR HER FINAL AVERAGE SALARY.  
10     S 2. The retirement and social security law is amended by adding a new  
11 section 607-i to read as follows:  
12     S 607-I. PERFORMANCE OF DUTY DISABILITY RETIREMENT; CERTAIN EMPLOYEES.  
13 ANY MEMBER EMPLOYED BY THE SUFFOLK COUNTY PROBATION DEPARTMENT AS A  
14 PROBATION OFFICER, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR  
15 THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN  
16 INJURY SUSTAINED IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES  
17 SHALL BE PAID A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE  
18 EQUAL TO ONE-HALF HIS OR HER FINAL AVERAGE SALARY.  
19     S 3. This act shall take effect immediately.  
     FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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This bill would provide improved disability benefits to probation officers employed by the Suffolk County probation department. They would be eligible for a performance of duty disability retirement allowance which would be 50% of final average salary.

If this legislation is enacted during the 2014 legislative session, we anticipate that there will be an increase of approximately \$218,000 in the annual contributions of the Suffolk County for the fiscal year ending March 31, 2015. In future years, this cost will vary as the billing rates and salaries of those affected change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$1.0 million which will be borne by Suffolk County as a onetime payment. This estimate is based on the assumption that payment will be made on February 1, 2015.

These estimated costs are based on 214 known affected members having a total salary for the fiscal year ending March 31, 2014 of approximately \$18.8 million.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2013 actuarial valuation. Distributions and other statistics can be found in the 2013 Report of the Actuary and the 2013 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 21, 2014 and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-102, prepared by the Actuary for the New York State and Local Employees' Retirement System.