

3785

2013-2014 Regular Sessions

I N S E N A T E

February 15, 2013

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to establishing a presumption that police officers and firefighters, who contract methicillin resistant Staphylococcus aureus or staph/MRSA, contracted such disease in the performance of his or her duties

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 363-ddd to read as follows:
3 S 363-DDD. IMPAIRMENTS OF HEALTH; PRESUMPTION; STAPH/MRSA. NOTWITH-
4 STANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR
5 LOCAL LAW TO THE CONTRARY, ANY POLICE OFFICER OR FIREFIGHTER WHO IS
6 COVERED BY THE PROVISIONS OF SECTION THREE HUNDRED SIXTY-THREE OF THIS
7 TITLE AND WHO CONTRACTS METHICILLIN RESISTANT STAPHYLOCOCCUS AUREUS
8 (MRSA), OR STAPH/MRSA WILL BE PRESUMED TO HAVE CONTRACTED SUCH DISEASE
9 IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES AS THE NATURAL AND
10 PROXIMATE RESULT OF AN ACCIDENT AND TO BE DISABLED FROM THE PERFORMANCE
11 OF HIS OR HER DUTIES UNLESS THE CONTRARY BE PROVEN BY COMPETENT
12 EVIDENCE.
13 S 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or Staph/MRSA will qualify them for an accidental disability retirement, unless the contrary be proven by competent evidence.

If this bill is enacted, it would lead to more disabilities being classified as "accidental". For the disabilities so classified due to this bill, the cost would depend on whether such person would have otherwise been eligible for an ordinary disability, a performance of duty disability or a service retirement. For those who contract such

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

LBD08933-01-3

disease prior to being eligible to receive an ordinary disability retirement, it is estimated that there would be an average per person cost of approximately eight (8) times final average salary. For those who contract such disease who would be eligible to receive an ordinary disability retirement, it is estimated that there would be an average per person cost of approximately four (4) times final average salary. For those who contract such disease who would be eligible to receive a performance of duty disability retirement it is estimated that there would be an average per person cost of approximately two (2) times final average salary. For those who contract such disease who are eligible for service retirement, it is estimated that there would be an average per person cost of approximately 150% of final average salary.

However, we anticipate that few additional accidental disability retirements will be granted, and thus, the resulting costs are expected to be negligible.

Summary of relevant resources:

Data: March 31, 2012 Actuarial Year End File with distributions of membership and other statistics displayed in the 2012 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010, 2011 and 2012 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2012 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2012 Actuarial Valuations report.

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 January 18, 2013, and intended for use only during the 2013 Legislative Session, is Fiscal Note No. 2013-58, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.