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I N S E N A T E

March 12, 2014

Introduced by Sens. MARTINS, GOLDEN, MARCELLINO -- 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 providing accidental disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau county

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 605-e to read as follows:
3 S 605-E. ACCIDENTAL DISABILITY RETIREMENT FOR AMBULANCE MEDICAL TECH-
4 NICIAN SUPERVISORS, AMBULANCE MEDICAL TECHNICIAN COORDINATORS AND AMBU-
5 LANCE MEDICAL TECHNICIANS IN NASSAU COUNTY. A. A MEMBER EMPLOYED AS A
6 AMBULANCE MEDICAL TECHNICIAN SUPERVISOR, AMBULANCE MEDICAL TECHNICIAN
7 COORDINATOR AND AMBULANCE MEDICAL TECHNICIAN IN NASSAU COUNTY SHALL BE
8 ENTITLED TO AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE IF, AT THE
9 TIME APPLICATION THEREFOR IS FILED, SUCH MEMBER IS:
10 1. PHYSICALLY OR MENTALLY INCAPACITATED FOR PERFORMANCE OF DUTY AS THE
11 NATURAL AND PROXIMATE RESULT OF AN ACCIDENT, UNLESS THE CONTRARY BE
12 PROVED BY COMPETENT EVIDENCE, NOT CAUSED BY HIS OR HER OWN WILLFUL
13 NEGLIGENCE, SUSTAINED IN SUCH SERVICE AND WHILE ACTUALLY A MEMBER OF THE
14 RETIREMENT SYSTEM; AND
15 2. ACTUALLY IN SERVICE UPON WHICH HIS OR HER MEMBERSHIP IS BASED.
16 HOWEVER, IN A CASE WHERE A MEMBER IS DISCONTINUED FROM SERVICE SUBSE-
17 QUENT TO THE ACCIDENT, EITHER VOLUNTARILY OR INVOLUNTARILY, AND PROVIDED
18 THAT THE MEMBER MEETS THE REQUIREMENTS OF PARAGRAPH ONE OF THIS SUBDIVI-
19 SION, APPLICATION MAY BE MADE NOT LATER THAN TWO YEARS AFTER THE MEMBER
20 IS FIRST DISCONTINUED FROM SERVICE.
21 B. APPLICATION FOR AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE FOR
22 SUCH A MEMBER MAY BE MADE BY:
23 1. SUCH MEMBER; OR
24 2. THE HEAD OF THE DEPARTMENT IN WHICH SUCH MEMBER IS EMPLOYED; OR
25 3. ANY PERSON ACTING ON BEHALF OF AND AUTHORIZED BY SUCH MEMBER.

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

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1 C. 1. AFTER THE FILING OF SUCH AN APPLICATION, SUCH MEMBER SHALL BE
2 GIVEN ONE OR MORE MEDICAL EXAMINATIONS. NO SUCH APPLICATION SHALL BE
3 APPROVED, HOWEVER, UNLESS THE MEMBER OR SOME OTHER PERSON ON HIS OR HER
4 BEHALF SHALL HAVE FILED WRITTEN NOTICE IN THE OFFICE OF THE COMPTROLLER
5 WITHIN NINETY DAYS AFTER THE ACCIDENT, SETTING FORTH:

6 (A) THE TIME WHEN AND THE PLACE WHERE SUCH ACCIDENT OCCURRED; AND

7 (B) THE PARTICULARS THEREOF; AND

8 (C) THE NATURE AND EXTENT OF THE MEMBER'S INJURIES; AND

9 (D) HIS OR HER ALLEGED INCAPACITY.

10 2. THE NOTICE HEREIN REQUIRED NEED NOT BE GIVEN:

11 (A) IF THE NOTICE OF SUCH ACCIDENT SHALL BE FILED IN ACCORDANCE WITH
12 THE PROVISIONS OF THE WORKERS' COMPENSATION LAW OF ANY STATE WITHIN
13 WHICH A PARTICIPATING EMPLOYER IN NASSAU COUNTY SHALL HAVE ITS EMPLOYEES
14 LOCATED OR PERFORMING FUNCTIONS AND DUTIES WITHIN THE NORMAL SCOPE OF
15 THEIR EMPLOYMENT; OR

16 (B) IF THE APPLICATION FOR ACCIDENTAL DISABILITY RETIREMENT IS FILED
17 WITHIN ONE YEAR AFTER THE DATE OF SUCH ACCIDENT; OR

18 (C) IF A FAILURE TO FILE NOTICE HAS BEEN EXCUSED FOR GOOD CAUSE SHOWN
19 AS PROVIDED BY RULES AND REGULATIONS PROMULGATED BY THE COMPTROLLER.

20 D. IF THE COMPTROLLER DETERMINES THAT THE MEMBER IS PHYSICALLY OR
21 MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTY AND OUGHT TO BE
22 RETIRED FOR ACCIDENTAL DISABILITY, SUCH MEMBER SHALL BE SO RETIRED. SUCH
23 RETIREMENT SHALL BE EFFECTIVE AS OF A DATE APPROVED BY THE COMPTROLLER.

24 E. THE ANNUAL RETIREMENT ALLOWANCE PAYABLE UPON ACCIDENTAL DISABILITY
25 RETIREMENT SHALL BE A PENSION OF THREE-QUARTERS OF HIS OR HER FINAL
26 AVERAGE SALARY. THE PAYMENT OF SUCH PENSION SHALL BE SUBJECT TO THE
27 PROVISIONS OF SECTION SIXTY-FOUR OF THIS CHAPTER.

28 F. IF THE MEMBER, AT THE TIME OF THE FILING OF AN APPLICATION UNDER
29 THE PROVISIONS OF SUBDIVISION B OF THIS SECTION, IS ELIGIBLE FOR A
30 SERVICE RETIREMENT BENEFIT, THEN AND IN THAT EVENT, HE OR SHE MAY SIMUL-
31 TANEOUSLY FILE AN APPLICATION FOR SERVICE RETIREMENT IN ACCORDANCE WITH
32 THE PROVISIONS OF SECTION SEVENTY OF THIS CHAPTER, PROVIDED THAT THE
33 MEMBER INDICATES ON THE APPLICATION FOR SERVICE RETIREMENT THAT SUCH
34 APPLICATION IS FILED WITHOUT PREJUDICE TO THE APPLICATION FOR ACCIDENTAL
35 DISABILITY RETIREMENT.

36 G. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION SHALL
37 APPLY TO AMBULANCE MEDICAL TECHNICIAN SUPERVISORS, AMBULANCE MEDICAL
38 TECHNICIAN COORDINATORS AND AMBULANCE MEDICAL TECHNICIANS IN NASSAU
39 COUNTY WHO WERE HIRED ON OR AFTER JULY TWENTY-SEVENTH, NINETEEN HUNDRED
40 SEVENTY-SIX.

41 S 2. All costs associated with implementing the provisions of this act
42 shall be borne by Nassau county.

43 S 3. This act shall take effect immediately.

FISCAL NOTE. Pursuant to Legislative Law, Section 50:

This bill would grant Nassau County Tier 3, 4, 5 and 6 ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians an accidental disability for injuries sustained in the performance of duty and the result of an accident, unless the contrary be proven by competent evidence. The benefit for an accidental disability would be 75% of final average salary less worker's compensation.

If this bill is enacted during the 2014 session, there will be an estimated increase of approximately \$170,000 in the annual contributions of Nassau County for the fiscal year ending March 31, 2015.

These estimated costs are based on 177 members having an annual salary for the fiscal year ending March 31, 2013 of approximately \$16 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 February 27, 2014, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-85, prepared by the Actuary for the New York State and Local Employees' Retirement System.