

STATE OF NEW YORK

6934

2021-2022 Regular Sessions

IN ASSEMBLY

April 13, 2021

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law and the administrative code of the city of New York, in relation to allowing for the electronic submission of a notice that a member of a retirement system participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 36 of section 2 of the retirement and social security law, as amended by chapter 266 of the laws of 2018, is amended to read as follows:

3 (a) "Qualifying World Trade Center condition" shall mean a qualifying 4 condition or impairment of health resulting in disability to a member 5 who participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period, as those terms are defined below, 6 provided the following conditions have been met: (i) such member, or 7 eligible beneficiary in the case of the member's death, must have either 8 filed a written and sworn statement with the member's retirement system 9 on a form provided by such system, or as allowed by the member's retirement system, electronically submitted a statement on a form provided by 10 such system through a secure online portal maintained by the member's 11 retirement system that has duly validated the member's identity, 12 indicating the underlying dates and locations of employment not later than 13 September eleventh, two thousand twenty-two, and (ii) such member has 14 either successfully passed a physical examination for entry into public 15 service, or authorized release of all relevant medical records, if the 16 member did not undergo a physical examination for entry into public 17 service; and (iii) there is no evidence of the qualifying condition or 18 impairment of health that formed the basis for the disability in such 19 physical examination for entry into public service or in the relevant 20 21 22

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

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1 medical records, prior to September eleventh, two thousand one except
2 for such member, or eligible beneficiary in the case of the member's
3 death, of a local retirement system of a city with a population of one
4 million or more that is covered by section 13-551 of the administrative
5 code of the city of New York, or by section twenty-five hundred seven-
6 ty-five of the education law and for such member who separated from
7 service with vested rights, or eligible beneficiary of such member who
8 separated from service with vested rights in the case of the member's
9 death, of a local retirement system of a city with a population of one
10 million or more who are covered by sections 13-168, 13-252.1 or 13-353.1
11 of the administrative code of the city of New York or sections five
12 hundred seven-c, six hundred five-b, six hundred five-c, or six hundred
13 seven-b of this chapter. The deadline for filing a written and sworn
14 statement required by subparagraph (i) of this paragraph shall be
15 September eleventh, two thousand twenty-two for such member, or eligible
16 beneficiary in the case of the member's death, of a local retirement
17 system of a city with a population of one million or more that is
18 covered by section 13-551 of the administrative code of the city of New
19 York, or by section twenty-five hundred seventy-five of the education
20 law and for such member who separated from service with vested rights,
21 or eligible beneficiary of such member who separated from service with
22 vested rights in the case of the member's death, of a local retirement
23 system of a city with a population of one million or more who are
24 covered by sections 13-168, 13-252.1 or 13-353.1 of the administrative
25 code of the city of New York and sections five hundred seven-c, six
26 hundred five-b, six hundred five-c, or six hundred seven-b of this chap-
27 ter. Every retirement system shall keep a copy of every written and
28 sworn statement that is presented for filing not later than September
29 eleventh, two thousand twenty-two, including those that are rejected for
30 filing as untimely.

31 § 2. Subparagraph (e) of paragraph 1 and clause (i) of subparagraph
32 (b) of paragraph 2 of subdivision h of section 363-bb of the retirement
33 and social security law, as amended by chapter 495 of the laws of 2007,
34 are amended to read as follows:

35 (e) In order to be eligible for consideration for such presumption,
36 such member must file either a written and sworn statement with the
37 member's retirement system on a form provided by such system, or as
38 allowed by the member's retirement system, electronically submit a
39 statement on a form provided by such system through a secure online
40 portal maintained by the member's retirement system that has duly vali-
41 dated the member's identity, indicating the dates and locations of
42 employment. Such statement must be filed not later than four years
43 following the effective date of chapter one hundred four of the laws of
44 two thousand five.

45 (i) the member files either a written and sworn statement with the
46 member's retirement system on a form provided by such system, or as
47 allowed by the member's retirement system, electronically submits a
48 statement on a form provided by such system through a secure online
49 portal maintained by the member's retirement system that has duly vali-
50 dated the member's identity, indicating the dates and locations of
51 employment within four years following the effective date of chapter one
52 hundred four of the laws of two thousand five; and

53 § 3. Clause (i) of subparagraph (b) of paragraph 2 of subdivision h of
54 section 605 of the retirement and social security law, as amended by
55 chapter 489 of the laws of 2008, is amended to read as follows:

(i) the member files either a written and sworn statement with the member's retirement system on a form provided by such system, or as allowed by the member's retirement system, electronically submits a statement on a form provided by such system through a secure online portal maintained by the member's retirement system that has duly validated the member's identity, indicating the dates and locations of employment within four years following the effective date of chapter one hundred four of the laws of two thousand five; and

§ 4. Paragraph a of section 13-168 of the administrative code of the city of New York, as amended by chapter 489 of the laws of 2008, is amended to read as follows:

a. Medical examination of a member in city-service for accident disability and investigation of all statements and certifications by him or her or on his or her behalf in connection therewith shall be made upon the application of the head of the agency in which the member is employed, or upon the application of a member or of a person acting in his or her behalf, either in writing or, as allowed by the member's retirement system, electronically submitted on a form provided by such system through a secure online portal maintained by the member's retirement system that has duly validated the member's identity, stating that such member is physically or mentally incapacitated for the performance of city-service, as a natural and proximate result of such city-service, and certifying the time, place and conditions of such city-service performed by such member resulting in such alleged disability and that such alleged disability was not the result of wilful negligence on the part of such member and that such member should, therefore, be retired. Such application shall be filed within two years from the happening of such accident, except, however, that such requirement as to time of filing shall not apply to any such application which (1) is filed by or with respect to a member who is a member of the uniformed force of the department of sanitation (as such force is defined in subdivision a of section 13-154 of this chapter) and is based on an accident occurring wholly on or after July first, nineteen hundred sixty-three, or (2) if filed by a vested member incapacitated as a result of a qualifying World ~~trade~~ Trade Center condition as defined in section two of the retirement and social security law. If such medical examination and investigation shows that any member, by whom or with respect to whom an application is filed under this section, is physically or mentally incapacitated for the performance of city-service as a natural and proximate result of an accidental injury received in such city-service while a member, and that such disability was not the result of wilful negligence on the part of such member and that such member should be retired, the medical board shall so certify to the board stating the time, place and conditions of such city-service performed by such member resulting in such disability. The board shall review such certification with respect to any issues other than the existence or non-existence of physical or mental incapacitation and shall determine the member's eligibility with respect to any such issues. Upon such certification by the medical board of the member's physical or mental incapacitation and a determination by the board finding the member otherwise eligible, such member shall be retired for accident disability effective the date the application is filed or the date immediately following the last date the member was on the payroll, whichever is later.

§ 5. This act shall take effect immediately.

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

This bill would authorize a retirement system to make available the option for a member, or eligible beneficiary in the case of a member's death, to electronically submit a statement through a secure online portal maintained by the member's retirement system indicating that the member participated in World Trade Center rescue, recovery or cleanup operations for a qualifying period.

Insofar as this bill affects the New York State and Local Retirement System (NYSLRS), certain technology upgrades would be necessary to expand current functionality of the online portal, generating additional administrative costs to implement the provisions of this legislation should NYSLRS make this electronic filing option available to members.

Summary of relevant resources:

Membership data as of March 31, 2020 was used in measuring the impact of the proposed change, the same data used in the April 1, 2020 actuarial valuation. Distributions and other statistics can be found in the 2020 Report of the Actuary and the 2020 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2020 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, 2020 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 fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 31, 2021, and intended for use only during the 2021 Legislative Session, is Fiscal Note No. 2021-67, prepared by the Actuary for the New York State and Local Retirement System.