STATE OF NEW YORK

8356

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

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

AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities

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

Section 1. The general municipal law is amended by adding a new section 207-r to read as follows:

§ 207-r. Disabilities of deputy sheriff members of a retirement system in certain cities. 1. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the lung, resulting in total or partial disability or death to a paid employee performing the duties of a deputy sheriff in the sheriff's department of a city with a population of one million or more where such employee is drawn from competitive civil service lists, or any retired member of such department who retired from a title whose duties are those of a deputy sheriff and has been retired for five or less years, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

2. Notwithstanding any other provision of law, a deputy sheriff member retiring pursuant to the provisions of subdivision one of this section shall receive a pension equal to three-fourths of such member's final average salary, and a retired member who has been retired for five years or less and would have been able to retire pursuant to the provisions of subdivision one of this section if such subdivision had been in force at the time of such retired member's retirement, shall be entitled to

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

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receive a pension equal to three-fourths of such member's final average salary and have their pension recalculated commencing with the later of the effective date of this section or the first day that diseases of the lung resulted in the full or partial disability of such retired member.

§ 2. This act shall take effect immediately.

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

SUMMARY: The proposed legislation would provide certain Deputy Sheriff members or retirees (within five years of their respective retirement date) of the New York City Employees' Retirement System (NYCERS) a rebuttable statutory presumption that a qualifying partial or total disability or death related to a lung disease was incurred in the performance of duty.

ILLUSTRATION - INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Thousands)

	One Incident		One Incident Per Year	
Year	Disability	Death	Disability	Death
2026	50	194	50	194
2027	50	194	102	393
2028	50	194	156	598
2029	50	194	211	810
2030	50	194	268	1,028
2031	50	194	326	1,252
2032	50	194	386	1,483
2033	50	194	448	1,721
2034	50	194	512	1,966
2035	50	194	578	2,219
2036	50	194	646	2,479
2037	50	194	715	2,747
2038	50	194	787	3,023
2039	50	194	861	3,307
2040	0	0	887	3,406
2041	0	0	914	3,509
2042	0	0	941	3,614
2043	0	0	969	3,722
2044	0	0	998	3,834
2045	0	0	1,028	3,949
2046	0	0	1,059	4,067
2047	0	0	1,091	4,189
2048	0	0	1,124	4,315
2049	0	0	1,157	4,445
2050	0	0	1,192	4,578

Employer contribution impact beyond Fiscal Year 2050 is not shown.

The potential increases in employer contributions will be allocated to New York City.

PRESENT VALUE OF BENEFITS: The Present Value of Benefits is the discounted expected value of benefits paid to current members if all assumptions are met, including future service accrual and pay increases. Future new hires are not included in this present value.

INITIAL INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES
as of June 30, 2024 ($ in Thousands)

Present Value (PV)	Per Disability	Per Death
(1) PV of Employer Contributions:	426	1,636
(2) PV of Employee Contributions:	(38)	0

Total PV of Benefits (1) + (2):	388	1,636

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. Changes in UAL per incident would be recognized as ongoing gain/loss.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

Recognized as Ongoing Gain/Loss	Per Disability	Per Death
Increase (Decrease) in UAL:	426 K	1,636 K
Number of Payments:	14	14
Amortization Payment:	50 K	194 K

CENSUS DATA: The number of members who will benefit in the future from this proposed legislation is unknown. The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the potentially impacted population used to develop the average costs is summarized below.

	NYCERS
Active Members	
- Number Count:	132
- Average Age:	43.5
- Average Service:	11.9
- Average Salary:	94,600
Receiving Members	
- Number Count:	32
- Average Age:	60.3

IMPACT ON MEMBER BENEFITS: Currently, a New York City Deputy Sheriff who becomes disabled due to lung disease would generally be eligible for an applicable ordinary disability retirement benefit after attaining 10 years of service. The disability benefit is a lifetime payment equal to the greatest of 1/3 of Final Average Salary (FAS), 1/60th of FAS times service, or the service retirement benefit, if eligible.

Under the proposed legislation, the performance of duty disability benefit for NYCERS Deputy Sheriff members who are disabled from lung disease would be equal to 75% of FAS without an offset for Workers' Compensation.

The ordinary death benefit New York City Deputy Sheriff members is a lump sum payment generally equal to three times the member's salary plus a return of member contributions. Under the proposed legislation, the performance of duty death benefit would generally be equal to a lifetime benefit of 50% of a member's wages earned during the last year of service, plus, if applicable, the Special Accidental Death Benefit (SADB) payable under General Municipal Law section 208-f.

SADB for Deputy Sheriffs was enacted by Chapter 720 of the Laws of 2023 and all accidental deaths are assumed to qualify for SADB.

ASSUMPTIONS AND METHODS: The estimates presented herein have been calculated based on the Revised 2021 Actuarial Assumptions and Methods of the impacted retirement systems.

The number of members and eligible retirees who will benefit in the future from this fiscal note is unknown. The cost of this proposed legislation could vary greatly depending on the number of future members who benefit and on their length of service, age, and salary history. In particular, the increase would be greater for a member who is not yet

eligible for an ordinary disability benefit when the disabling lung disease is diagnosed.

The estimated financial impact for disabled members has been calculated assuming 50% would have retired under an ordinary disability benefit, and 50% would have continued working if the proposed legislation were not passed.

RISK AND UNCERTAINTY: The costs presented in this Fiscal Note depend highly on the actuarial assumptions, methods, and models used, demographics of the impacted population, and other factors such as investment, contribution, and other risks. If actual experience deviates from actuarial assumptions, the actual costs could differ from those presented herein. Quantifying these risks is beyond the scope of this Fiscal Note.

This Fiscal Note is intended to measure pension-related impacts and does not include other potential costs (e.g., administrative and Other Postemployment Benefits). This Fiscal Note does not reflect any chapter laws that may have been enacted during the current legislative session.

STATEMENT OF ACTUARIAL OPINION: Marek Tyszkiewicz and Gregory Zelikovsky are members of the Society of Actuaries and the American Academy of Actuaries. We are members of NYCERS, but do not believe it impairs our objectivity, and we meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. To the best of our knowledge, the results contained herein have been prepared in accordance with generally accepted actuarial principles and procedures and with the Actuarial Standards of Practice issued by the Actuarial Standards Board.

FISCAL NOTE IDENTIFICATION: This Fiscal Note 2025-53 dated May 2, 2025 was prepared by the Chief Actuary for the New York City Retirement Systems and Pension Funds and is intended for use only during the 2025 Legislative Session.