STATE OF NEW YORK

7759

2025-2026 Regular Sessions

IN SENATE

May 5, 2025

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

AN ACT to authorize Frank R. Smith to receive performance of duty disability retirement benefits

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

Section 1. Notwithstanding any other provision of law, Frank R. Smith, a retired member of the New York city police department, who joined the New York city employees retirement system on June 30, 1992 and who applied for accidental performance of duty disability retirement benefits based upon illnesses suffered as a result of exposure to diseases during the course of undercover duties performed beginning in August 2002, and who has had those benefits denied, shall be hereby awarded such benefits retroactively from his August 12, 2009 service retirement.

§ 2. The benefits and awards provided for under this act shall be paid for, and shared equally by, all public retirement systems, of which Frank R. Smith was a member.

§ 3. This act shall take effect immediately.

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

SUMMARY: This proposed legislation would allow Police Officer Frank R. Smith who retired from the New York City Police Pension Fund (POLICE) with an Ordinary Disability Retirement to be reclassified as an Accident Disability Retirement.

EXPECTED INCREASE (DECREASE) IN EMPLOYER CONTRIBUTIONS
by Fiscal Year for the first 25 years ($ in Millions)

Year	POLICE
2026	0.0
2027	1.4
2028	0.0
2029	0.0

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

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2030	0.0
2031	0.0
2032	0.0
2033	0.0
2034	0.0
2035	0.0
2036	0.0
2037	0.0
2038	0.0
2039	0.0
2040	0.0
2041	0.0
2042	0.0
2043	0.0
2044	0.0
2045	0.0
2046	0.0
2047	0.0
2048	0.0
2049	0.0
2050	0.0

The entire increase 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.

EXPECTED INCREASE (DECREASE) IN ACTUARIAL PRESENT VALUES
as of June 30, 2025 ($ in Millions)

Present Value (PV)	POLICE
(1) PV of Employer Contributions:	1.3
(2) PV of Employee Contributions:	**0.0**
Total PV of Benefits (1) + (2):	1.3

UNFUNDED ACCRUED LIABILITY (UAL): Actuarial Accrued Liabilities are the portion of the Present Value of Benefits allocated to past service. For purposes of this Fiscal Note, UAL attributable to inactive members was recognized immediately.

AMORTIZATION OF UNFUNDED ACCRUED LIABILITY

	POLICE
Increase (Decrease) in UAL:	1.3 M
Number of Payments:	1
Amortization Payment:	1.4 M

CENSUS DATA: The estimates presented herein are based on preliminary census data collected as of June 30, 2024. The census data for the impacted population is summarized below.

	POLICE

Receiving Members	
- Number Count:	1
- Average Age:	54.0

BACKGROUND: Mr. Smith retired with an Ordinary Disability Retirement from POLICE on August 12, 2009. He currently receives an annual pension of $68,600 per year payable under the maximum form of payment (i.e., payable to him as long as he is alive).

If the proposed legislation is enacted, Mr. Smith's retirement allowance would be recalculated as an Accident Disability Retirement and his annual pension would increase to $113,847 per year. This increase would apply prospectively as well as retroactively to Mr. Smith's original date of retirement.

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

For purposes of calculating the impact of the proposed legislation, it has been assumed that the retroactive increase in benefits would be paid without interest.

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 2025-51 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.