STATE OF NEW YORK

7831--A

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to making certain participants in World Trade Center rescue, recovery, or cleanup operations eligible for disability benefits

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

Section 1. Paragraph 4 of subdivision d of section 605 of the retirement and social security law, as added by chapter 252 of the laws of 2019, is amended to read as follows:

4. Notwithstanding any other law, rule or regulation to the contrary, any member who had an active membership in the New York state and local employees' retirement system or the New York state teachers' retirement system, when such member participated in World Trade Center rescue, recovery, or cleanup operations, as such participation is defined in section two of this chapter, **or any active member with at least ten years of service credit who did not have an active membership in the New York state and local employees' retirement system or the New York state teachers' retirement system at the time such individual participated in such World Trade Center rescue, recovery, or cleanup operations, but who is now an active member with a participating employer in the New York state and local employees' retirement system or the New York state teachers' retirement system, and** who incurred a qualifying World Trade Center condition, as defined in section two of this chapter, that is determined to have been incurred in the performance and discharge of duty and is the natural and proximate result of an accident not caused by such member's own willful negligence, shall be paid a performance of duty disability retirement allowance equal to three-quarters of final

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

LBD07814-06-5

average salary. The payment of such pension shall be subject to the provisions of section sixty-four of this chapter.

§ 2. Subdivision h-1 of section 507 of the retirement and social security law, as added by chapter 252 of the laws of 2019, is amended to read as follows:

h-1. Notwithstanding any other law, rule or regulation to the contrary, any member who had an active membership in the New York state and local employees' retirement system or the New York state teachers' retirement system, when such member participated in World Trade Center rescue, recovery, or cleanup operations, as such participation is defined in section two of this chapter, **or any active member with at least ten years of service credit who did not have an active membership in the New York state and local employees' retirement system or the New York state teachers' retirement system at the time such individual participated in such World Trade Center rescue, recovery, or cleanup operations, but who is now an active member with a participating employer in the New York state and local employees' retirement system or the New York state teachers' retirement system, and** who incurred a qualifying World Trade Center condition, as defined in section two of this chapter, that is determined to have been incurred in the performance and discharge of duty and is the natural and proximate result of an accident not caused by such member's own willful negligence, shall be paid a performance of duty disability retirement allowance equal to three-quarters of final average salary. The payment of such pension shall be subject to the provisions of section sixty-four of this chapter.

§ 3. None of the provisions of this act shall be subject to section 25 of the retirement and social security law.

§ 4. This act shall take effect immediately.

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

This bill would amend the benefits of certain members of the New York State and Local Employees' Retirement System (NYSLERS) subject to the provisions of Article 14 or 15 of the Retirement and Social Security Law, who contract any form of disease or disability related to exposure to any elements in connection with the World Trade Center (WTC) rescue, recovery or cleanup operations, and who were not members of any state public retirement system at the time of participation in the WTC operations. The annual accidental disability benefit would be 75% of final average salary (FAS), less workers' compensation, regardless of plan coverage. Currently, eligible members receive the accidental disability benefit specified under their plan, which for most Article 14 and 15 members is 33.3% of FAS. This improved benefit would be payable only to current members with at least ten years of credited service. Current retirees and their beneficiaries would not be affected.

Pursuant to Section 25 of the Retirement and Social Security Law, the increased costs would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision.

Insofar as this bill affects NYSLERS, the cost will depend upon the applicant's age, service, salary, plan, and any benefit type otherwise payable, but is expected to be 4 times FAS per applicant.

Approximately 60 active NYSLERS members, with a combined salary of approximately $5.1 million as of March 31, 2024, have filed an Application for WTC Notice and been rejected on the grounds that they were not members at the time of their participation in certain WTC rescue, recovery or cleanup operations. If all these members benefit, the cost would

be approximately $20.4 million. However, the actual number of members who could be affected by this legislation cannot readily be determined.

Summary of relevant resources:

Membership data as of March 31, 2024 was used in measuring the impact of the proposed change, the same data used in the April 1, 2024 actuarial valuation. Distributions and other statistics can be found in the 2024 Report of the Actuary and the 2024 Annual Comprehensive Financial Report. The actuarial assumptions and methods used are described in the 2024 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, 2024 New York State and Local Retirement System Financial Statements and Supplementary Information.

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 27, 2025, and intended for use only during the 2025 Legislative Session, is Fiscal Note No. 2025-55. As Chief Actuary of the New York State and Local Retirement System, I, Aaron Schottin Young, hereby certify that this analysis complies with applicable Actuarial Standards of Practice as well as the Code of Professional Conduct and Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion of the American Academy of Actuaries, of which I am a member.

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

This bill would amend Section 605 of the Retirement and Social Security Law to allow an active member of the New York State Teachers' Retirement System (NYSTRS) with 10 or more years of service credit who did not have an active membership in NYSTRS or the New York State and Local Retirement System (NYSLRS) at the time they participated in World Trade Center rescue, recovery, or cleanup operations, and who incurred a qualifying World Trade center condition, to be paid a performance of duty disability retirement benefit equal to three-quarters of final average salary for life. Currently, a member must have been an active member of NYSTRS or NYSLRS at the time of participation in World Trade Center rescue, recovery, or cleanup operations to be eligible for this benefit.

The average cost per individual member impacted is estimated as follows:

Member Age	Performance of Duty Disability
30	$330,000 (5.4 times salary)
40	$410,000 (5.0 times salary)
50	$470,000 (4.5 times salary)

The actual cost per member would depend on the member's age and salary. The costs above are determined based on averages, so the actual cost for a member could be higher or lower. It is estimated that there would be few members of NYSTRS eligible for this benefit.

Member data is from the System's most recent actuarial valuation files as of June 30, 2024, consisting of data provided by the employers to the Retirement System. The most recent data distributions and statistics can be found in the System's Annual Report for fiscal year ended June 30, 2024. System assets are as reported in the System's financial statements and can also be found in the System's Annual Report. Actuarial assumptions and methods will be provided in the System's Actuarial Valuation Report as of June 30, 2024.

The source of this estimate is Fiscal Note 2025-23 dated May 20, 2025 prepared by the Office of the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2025 Legislative Session. I, Richard A. Young, am the Chief Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.