S T A T E O F N E W Y O R K

11573

I N A S S E M B L Y

June 28, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Russell) -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to authorizing James Mallan to apply for an increase in his disability pension

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Notwithstanding any provision of law to the contrary, James Mallan who commenced employment with the state department of correctional services on May 30, 1988, and who through no negligence of his own was disabled while completing his training at the academy on June 29, 1988 and who was granted disability retirement in April 1990 at one-third of his final salary, and who was reinstated by the state department of correctional services from January 27, 1992 through June 20, 1994 and who continued to receive disability retirement, and who was reinstated by the state department of correctional services on July 28, 1997 and who received performance related injuries on January 6, 2002 and January 26, 2005 while assisting another officer in controlling an inmate, shall be deemed a member of the New York state retirement system at the time of his application for disability retirement benefits on February 28, 2008 and shall be deemed to be permanently disabled after the effective date of chapter 722 of the laws of 1996 for the purpose of increasing James Mallan's disability pension to that provided for in such chapter, based upon his final average salary, if he shall file an application therefor with the state comptroller on or before December 31, 2010.

S 2. This act shall take effect immediately.

FISCAL NOTE.--This bill will deem James T. Mallan, currently a Section 507-a disability retiree receiving an annual benefit of 1/3 of final average salary, to have been a member of the New York State and Local Employees' Retirement System on February 28, 2008, and to be eligible for a Section 507-b in-performance-of-duty disability retirement, an annual benefit of 75% of final average salary.

If this bill is enacted, we anticipate that there will be a past service cost of approximately $300,000 which will be borne by the State

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

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of New York and all the participating employers in the New York State and Local Employees' Retirement System. This cost will be reduced by the value of any Workers' Compensation payments Mr. Mallan may receive.

This estimate, dated June 24, 2010 and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-175, prepared by the Actuary for the New York State and Local Employees' Retirement System.