

1709

2009-2010 Regular Sessions

I N   S E N A T E

February 5, 2009

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

AN ACT to amend the retirement and social security law, in relation to benefits for members employed by the state in the department of correctional services, who are injured in the performance of their duties

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

- 1     Section 1. Subdivision a of section 63-a of the retirement and social  
2 security law, as added by chapter 722 of the laws of 1996, is amended to  
3 read as follows:  
4     a. Any member in the uniformed personnel in institutions under the  
5 jurisdiction of the department of correctional services or a security  
6 hospital treatment assistant, as those terms are defined in subdivision  
7 i of section eighty-nine of this article OR A MEMBER EMPLOYED BY THE  
8 STATE IN THE DEPARTMENT OF CORRECTIONAL SERVICES, who becomes physically  
9 or mentally incapacitated for the performance of duties as the natural  
10 and proximate result of an injury, sustained in the performance or  
11 discharge of his or her duties by, or as the natural and proximate  
12 result of an act of any inmate or any person confined in an institution  
13 under the jurisdiction of the department of correctional services or  
14 office of mental health, or by any person who has been committed to such  
15 institution by any court shall be paid a performance of duty disability  
16 retirement allowance equal to that which is provided in section sixty-  
17 three of this title, subject to the provisions of section sixty-four of  
18 this title.  
19     S 2. Subdivision a of section 444 of the retirement and social securi-  
20 ty law, as amended by chapter 625 of the laws of 2007, is amended to  
21 read as follows:  
22     a. Except as provided in subdivision c of section four hundred forty-  
23 five-a of this article, subdivision c of section four hundred forty-

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

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1 five-b of this article, subdivision c of section four hundred forty-  
2 five-c of this article, subdivision c of section four hundred  
3 forty-five-d of this article as added by chapter four hundred seventy-  
4 two of the laws of nineteen hundred ninety-five, subdivision c of  
5 section four hundred forty-five-e of this article, subdivision c of  
6 section four hundred forty-five-f of this article and subdivision c of  
7 section four hundred forty-five-h of this article, the maximum retire-  
8 ment benefit computed without optional modification provided to a member  
9 of a retirement system who is subject to the provisions of this article,  
10 other than a police officer, a firefighter, an investigator member of  
11 the New York city employees' retirement system, a member of the  
12 uniformed personnel in institutions under the jurisdiction of the New  
13 York city department of correction who receives a performance of duty  
14 disability retirement allowance, a member of the uniformed personnel in  
15 institutions under the jurisdiction of the department of correctional  
16 services or a security hospital treatment assistant, as those terms are  
17 defined in subdivision i of section eighty-nine of this chapter OR A  
18 MEMBER EMPLOYED BY THE STATE IN THE DEPARTMENT OF CORRECTIONAL SERVICES,  
19 who receives a performance of duty disability retirement allowance, a  
20 member of a teachers' retirement system, New York city employees'  
21 retirement system, New York city board of education retirement system or  
22 a member of the New York state and local employees' retirement system or  
23 a member of the New York city employees' retirement system or New York  
24 city board of education retirement system employed as a special officer,  
25 parking control specialist, school safety agent, campus peace officer,  
26 taxi and limousine inspector or a police communications member and who  
27 receives a performance of duty disability pension, from funds other than  
28 those based on a member's own or increased-take-home-pay contributions,  
29 shall, before any reduction for early retirement, be sixty per centum of  
30 the first fifteen thousand three hundred dollars of final average sala-  
31 ry, and fifty per centum of final average salary in excess of fifteen  
32 thousand three hundred dollars, and forty per centum of final average  
33 salary in excess of twenty-seven thousand three hundred dollars,  
34 provided, however, that the benefits provided by subdivision c of  
35 section four hundred forty-five-d of this article as added by chapter  
36 four hundred seventy-two of the laws of nineteen hundred ninety-five  
37 based upon the additional member contributions required by subdivision d  
38 of such section four hundred forty-five-d shall be subject to the maxi-  
39 mum retirement benefit computations set forth in this section. The maxi-  
40 mum retirement benefit computed without optional modification payable to  
41 a police officer, an investigator member of the New York city employees'  
42 retirement system or a firefighter shall equal that payable upon  
43 completion of thirty years of service, except that the maximum service  
44 retirement benefit computed without optional modification shall equal  
45 that payable upon completion of thirty-two years of service.

46 S 3. Subdivision a of section 607-a of the retirement and social secu-  
47 rity law, as added by chapter 722 of the laws of 1996, is amended to  
48 read as follows:

49 a. Any security hospital treatment assistant, as that term is defined  
50 in subdivision i of section eighty-nine of this chapter OR A MEMBER  
51 EMPLOYED BY THE STATE IN THE DEPARTMENT OF CORRECTIONAL SERVICES, who  
52 becomes physically or mentally incapacitated for the performance of  
53 duties as the natural and proximate result, of an injury, sustained in  
54 the performance or discharge of his or her duties by, or as the natural  
55 and proximate result of, an act of any person confined in an institution  
56 under the jurisdiction of the office of mental health, or by any person

1 who has been committed to such institution by any court shall be paid a  
2 performance of duty disability retirement allowance equal to that which  
3 is provided in section sixty-three of this chapter, subject to the  
4 provisions of section sixty-four of this chapter.

5 S 4. This act shall take effect immediately; provided, however, that  
6 the amendments to subdivision a of section 607-a of the retirement and  
7 social security law made by section three of this act shall expire on  
8 the same date as article 15 of the retirement and social security law  
9 expires pursuant to section 615 of such law.

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

This bill would provide all non-Correction Officer members of the New York State and Local Employees' Retirement System who are employed by the State Department of Correctional Services with a performance of duty disability retirement coverage. The benefit for this new coverage would be a retirement allowance of 75% of final average salary. However, the payment of this allowance would be subject to the provisions of Section 64 of the Retirement and Social Security Law. In addition, for these members, contracting tuberculosis, HIV or hepatitis will qualify them for the performance of duty disability benefit.

If this bill is enacted, we anticipate that there will be an increase of at least \$2.3 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2010.

This estimate is based on approximately 10,673 non-correction officers employed by the State Department of Correctional Services with an estimated annual salary for the fiscal year ending March 31, 2008 of approximately \$486 million.

This estimate, dated December 4, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-49, prepared by the Actuary for the New York State and Local Employees' Retirement System.