

5686

2009-2010 Regular Sessions

I N S E N A T E

May 27, 2009

Introduced by Sen. BRESLIN -- 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 a twenty-five year optional retirement plan for emergency medical services providers employed by the town of Colonie and to amend the retirement and social security law and the general municipal law, in relation to disability benefits

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

1 Section 1. The retirement and social security law is amended by adding  
2 a new section 89-x to read as follows:  
3 S 89-X. RETIREMENT OF EMERGENCY MEDICAL SERVICES PROVIDERS EMPLOYED BY  
4 THE TOWN OF COLONIE. A. A MEMBER EMPLOYED BY THE TOWN OF COLONIE IN A  
5 FULL-TIME POSITION WHICH REQUIRES CERTIFICATION AS AN EMERGENCY MEDICAL  
6 TECHNICIAN, ADVANCED EMERGENCY MEDICAL TECHNICIAN, OR PARAMEDIC, SHALL  
7 BE ELIGIBLE TO RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION, IF  
8 SUCH MEMBER FILES A TIMELY ELECTION WITH THE COMPTROLLER, ON A FORM  
9 PROVIDED BY THE COMPTROLLER FOR SUCH PURPOSE, TO BE COVERED BY THIS  
10 SECTION. TO BE EFFECTIVE, SUCH FORM MUST BE FILED WITHIN ONE YEAR AFTER  
11 THIS SECTION SHALL BECOME LAW, OR WITHIN ONE YEAR FOLLOWING THE INDIVID-  
12 UAL'S COMMENCEMENT OF ELIGIBLE EMPLOYMENT WITH THE TOWN OF COLONIE,  
13 WHICHEVER IS LATER. THE BENEFITS HEREINABOVE PROVIDED SHALL BE PAYABLE  
14 TO A MEMBER, UNLESS AT THE DATE OF RETIREMENT, SUCH MEMBER WOULD OTHER-  
15 WISE BE ENTITLED TO A GREATER BENEFIT UNDER OTHER PROVISIONS OF THIS  
16 ARTICLE HAD HE OR SHE WITHDRAWN FROM THIS SECTION, IN WHICH EVENT SUCH  
17 GREATER BENEFITS SHALL BE PAYABLE.  
18 B. SUCH MEMBERS SHALL BE ENTITLED TO RETIRE UPON THE COMPLETION OF  
19 TWENTY-FIVE YEARS OF TOTAL CREDITABLE SERVICE BY FILING AN APPLICATION  
20 THEREFOR IN THE MANNER PROVIDED FOR IN SECTION SEVENTY OF THIS ARTICLE.  
21 C. UPON COMPLETION OF TWENTY-FIVE YEARS OF SUCH SERVICES AND UPON  
22 RETIREMENT, EACH SUCH MEMBER SHALL RECEIVE A PENSION WHICH, TOGETHER

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

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1 WITH AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER  
2 ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS OR HER RETIREMENT AND AN  
3 ADDITIONAL PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE  
4 RESERVED-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE  
5 ENTITLED SHALL BE SUFFICIENT TO PROVIDE HIM OR HER WITH A RETIREMENT  
6 ALLOWANCE EQUAL TO ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY.

7 D. AS USED IN THIS SECTION "CREDITABLE SERVICE" SHALL INCLUDE ANY AND  
8 ALL SERVICES PERFORMED IN A FULL-TIME POSITION WHICH REQUIRES CERTIF-  
9 ICATION AS AN EMERGENCY MEDICAL TECHNICIAN, ADVANCED EMERGENCY MEDICAL  
10 TECHNICIAN, OR PARAMEDIC, WITH THE TOWN OF COLONIE.

11 E. AS USED IN THIS SECTION "FULL-TIME POSITION" SHALL MEAN AN ANNUAL  
12 SALARIED POSITION WITH A REGULAR FIXED SCHEDULE OF TWO THOUSAND EIGHTY  
13 HOURS, EXCLUSIVE OF OVERTIME, ANNUALLY.

14 F. AS USED IN THIS SECTION "PART-TIME POSITION" SHALL MEAN AN HOURLY  
15 PAID POSITION WITH A VARIABLE SCHEDULE OF LESS THAN TWO THOUSAND EIGHTY  
16 HOURS, EXCLUSIVE OF OVERTIME, ANNUALLY.

17 G. CREDIT FOR SERVICE AS A FULL-TIME EMERGENCY MEDICAL SERVICES  
18 PROVIDER EMPLOYED BY ANY COUNTY, CITY, VILLAGE, TOWN, FIRE DISTRICT OR  
19 POLICE DISTRICT, MAY ALSO BE DEEMED TO BE CREDITABLE SERVICE AND SHALL  
20 BE INCLUDED IN COMPUTING YEARS OF TOTAL SERVICE FOR RETIREMENT PURSUANT  
21 TO THIS SECTION PROVIDED THAT SUCH MEMBER PAYS THE ACCRUED LIABILITY  
22 COST, AS CALCULATED BY THE RETIREMENT SYSTEM ACTUARY, ASSOCIATED WITH  
23 THE CREDITING OF THIS SERVICE. SUCH COST SHALL BE NON-REFUNDABLE, AND  
24 SHALL BE BASED ON ALL AVAILABLE SERVICE CREDIT AT THE TIME OF THE  
25 REQUEST FOR SUCH SERVICE CREDIT.

26 H. CREDIT FOR SERVICE IN THE TOWN OF COLONIE IN A PART-TIME POSITION  
27 WHICH REQUIRES CERTIFICATION AS AN EMERGENCY MEDICAL TECHNICIAN,  
28 ADVANCED EMERGENCY MEDICAL TECHNICIAN, OR PARAMEDIC MAY ALSO BE DEEMED  
29 TO BE CREDITABLE SERVICE AND SHALL BE INCLUDED IN COMPUTING YEARS OF  
30 TOTAL SERVICE FOR REIMBURSEMENT PURSUANT TO THIS SECTION PROVIDED THAT  
31 SUCH MEMBER PAYS THE ACCRUED LIABILITY COST, AS CALCULATED BY THE  
32 RETIREMENT SYSTEM ACTUARY, ASSOCIATED WITH THE CREDITING OF THIS  
33 SERVICE. SUCH COST SHALL BE NON-REFUNDABLE, AND WILL BE BASED ON ALL  
34 AVAILABLE SERVICE CREDIT AT THE TIME OF THE REQUEST FOR SUCH SERVICE  
35 CREDIT.

36 I. THE TOWN OF COLONIE SHALL CERTIFY TO THE COMPTROLLER, PERIODICALLY  
37 AND AT SUCH INTERVALS OF TIME AS MAY BE REQUIRED AND IN SUCH FASHION AS  
38 MAY BE PRESCRIBED, THE IDENTITY OF THE PART-TIME OR FULL-TIME EMERGENCY  
39 MEDICAL SERVICES PROVIDERS IN ITS EMPLOY.

40 J. A MEMBER CONTRIBUTING ON THE BASIS OF THIS SECTION AT THE TIME OF  
41 RETIREMENT, MAY RETIRE AFTER THE COMPLETION OF TWENTY-FIVE YEARS OF  
42 TOTAL CREDITABLE SERVICE. APPLICATION THEREFOR MAY BE FILED IN A MANNER  
43 SIMILAR TO THAT PROVIDED IN SECTION SEVENTY OF THIS ARTICLE. UPON  
44 COMPLETION OF TWENTY-FIVE YEARS OF SUCH SERVICES AND UPON RETIREMENT,  
45 EACH SUCH MEMBER SHALL RECEIVE A PENSION WHICH, TOGETHER WITH AN ANNUITY  
46 WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED  
47 CONTRIBUTIONS AT THE TIME OF HIS OR HER RETIREMENT AND AN ADDITIONAL  
48 PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVED-FOR-IN-  
49 CREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED SHALL BE  
50 SUFFICIENT TO PROVIDE HIM OR HER WITH A RETIREMENT ALLOWANCE EQUAL TO  
51 ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY. UPON RETIREMENT, EACH SUCH  
52 MEMBER SHALL RECEIVE, FOR EACH YEAR OF SERVICE IN EXCESS OF TWENTY-FIVE,  
53 AN ADDITIONAL PENSION WHICH SHALL BE EQUAL TO ONE-SIXTIETH OF HIS OR HER  
54 FINAL AVERAGE SALARY; PROVIDED, HOWEVER, THAT THE TOTAL ALLOWANCE PAYA-  
55 BLE PURSUANT TO THIS SECTION SHALL NOT EXCEED THREE-QUARTERS OF SUCH  
56 MEMBER'S FINAL AVERAGE SALARY.

1 K. IN COMPUTING THE SERVICE OF A MEMBER PURSUANT TO THIS SECTION, FULL  
2 CREDIT SHALL BE GIVEN AND FULL ALLOWANCE SHALL BE MADE FOR SERVICE OF  
3 SUCH MEMBER IN TIME OF WAR AFTER WORLD WAR I AS DEFINED IN SECTION TWO  
4 OF THIS CHAPTER, PROVIDED SUCH MEMBER AT THE TIME OF HIS OR HER ENTRANCE  
5 INTO THE ARMED FORCES WAS IN THE SERVICE OF THE TOWN OF COLONIE AS AN  
6 EMERGENCY MEDICAL TECHNICIAN, ADVANCED EMERGENCY MEDICAL TECHNICIAN OR  
7 PARAMEDIC.

8 L. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PREVENT A MEMBER, WHO  
9 DOES NOT RETIRE PURSUANT TO THE PROVISIONS OF THIS SECTION, FROM UTILIZ-  
10 ING SERVICE WHICH IS CREDITABLE SERVICE PURSUANT TO THE PROVISIONS OF  
11 THIS SECTION FOR SERVICE CREDIT PURSUANT TO THE PROVISIONS OF ANY OTHER  
12 PLAN OF THIS ARTICLE TO WHICH SUCH MEMBER IS SUBJECT.

13 M. ACCIDENTAL DISABILITY RETIREMENT FOR EMERGENCY MEDICAL SERVICES  
14 PROVIDERS EMPLOYED BY THE TOWN OF COLONIE. A MEMBER EMPLOYED BY THE TOWN  
15 OF COLONIE IN A FULL-TIME POSITION WHICH REQUIRES CERTIFICATION AS AN  
16 EMERGENCY MEDICAL TECHNICIAN, ADVANCED EMERGENCY MEDICAL TECHNICIAN, OR  
17 PARAMEDIC WHO BECOMES PHYSICALLY OR MENTALLY INCAPACITATED FOR THE  
18 PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN ACCI-  
19 DENT, SUSTAINED IN THE PERFORMANCE OF HIS OR HER DUTIES, NOT CAUSED BY  
20 HIS OR HER WILLFUL NEGLIGENCE, SUSTAINED IN SUCH SERVICE AND WHILE ACTU-  
21 ALLY A MEMBER OF THE RETIREMENT SYSTEM, SHALL BE PAID AN ACCIDENTAL  
22 DISABILITY RETIREMENT ALLOWANCE EQUAL TO THREE-QUARTERS OF FINAL AVERAGE  
23 COMPENSATION AS PROVIDED IN SECTION SIXTY-THREE OF THIS ARTICLE, SUBJECT  
24 TO THE PROVISIONS OF SECTION SIXTY-FOUR OF THIS ARTICLE.

25 N. IMPAIRMENTS OF HEALTH; PRESUMPTION. NOTWITHSTANDING ANY PROVISION  
26 OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW TO THE CONTRARY,  
27 ANY EMERGENCY MEDICAL SERVICES PROVIDER EMPLOYED BY THE TOWN OF COLONIE  
28 WHO IS COVERED BY THE PROVISIONS OF THIS SECTION OR SUBDIVISION U OF  
29 SECTION SIX HUNDRED FOUR OF THIS CHAPTER AND WHO CONTRACTS HIV, TUBERCU-  
30 LOSIS OR HEPATITIS AFTER CONTACT WITH A MEMBER OF THE PUBLIC (WHERE  
31 THERE MAY HAVE BEEN AN EXPOSURE TO A BODILY FLUID) WILL BE PRESUMED TO  
32 HAVE CONTRACTED SUCH DISEASE IN THE PERFORMANCE OR DISCHARGE OF HIS OR  
33 HER DUTIES AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT SUSTAINED  
34 IN THE PERFORMANCE OF DUTIES UNLESS THE CONTRARY BE PROVEN BY COMPETENT  
35 EVIDENCE.

36 O. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
37 SPECIAL LAW TO THE CONTRARY, ANY CONDITION OR IMPAIRMENT OF HEALTH  
38 CAUSED BY DISEASES OF THE HEART, RESULTING IN DISABILITY OR DEATH TO ANY  
39 EMERGENCY MEDICAL SERVICES PROVIDER EMPLOYED BY THE TOWN OF COLONIE WHO  
40 IS COVERED BY THE PROVISIONS OF THIS SECTION OR SUBDIVISION U OF SECTION  
41 SIX HUNDRED FOUR OF THIS CHAPTER AND WHO, PRIOR TO ENTRY INTO SUCH  
42 SERVICE SUCCESSFULLY PASSED A PHYSICAL EXAMINATION WHICH FAILED TO  
43 DISCLOSE EVIDENCE OF ANY DISEASE OR OTHER IMPAIRMENT OF THE HEART SHALL  
44 BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE OR  
45 DISCHARGE OF DUTY AND THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT,  
46 UNLESS THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE.

47 P. AN EMERGENCY MEDICAL SERVICES PROVIDER EMPLOYED BY THE TOWN OF  
48 COLONIE WHO IS COVERED BY THE PROVISIONS OF THIS SECTION OR SUBDIVISION  
49 U OF SECTION SIX HUNDRED FOUR OF THIS CHAPTER AND IS IN A PLAN WHICH  
50 PERMITS IMMEDIATE RETIREMENT UPON COMPLETION OF A SPECIFIED PERIOD OF  
51 SERVICE WITHOUT REGARD TO AGE OR WHO IS SUBJECT TO THE PROVISION OF  
52 SUBDIVISION B OF SECTION FOUR HUNDRED FORTY-FIVE OF THIS CHAPTER, SHALL  
53 UPON COMPLETION OF NINETY DAYS OF SERVICE BE COVERED FOR FINANCIAL  
54 PROTECTION IN THE EVENT OF DEATH IN SERVICE PURSUANT TO THIS SUBDIVI-  
55 SION. SUCH DEATH BENEFIT SHALL BE EQUAL TO THREE TIMES THE MEMBER'S  
56 SALARY RAISED TO THE NEXT HIGHEST MULTIPLE OF ONE THOUSAND DOLLARS, BUT

1 IN NO EVENT SHALL IT EXCEED THREE TIMES THE MAXIMUM SALARY SPECIFIED IN  
2 SECTION ONE HUNDRED THIRTY OF THE CIVIL SERVICE LAW.

3 Q. THE PROVISIONS OF THIS SECTION SHALL BE CONTROLLING NOTWITHSTANDING  
4 ANY OTHER PROVISIONS IN THIS CHAPTER TO THE CONTRARY.

5 S 2. Subdivision a of section 445 of the retirement and social securi-  
6 ty law, as amended by chapter 295 of the laws of 2007, is amended to  
7 read as follows:

8 a. No member of a retirement system who is subject to the provisions  
9 of this article shall retire without regard to age, exclusive of retire-  
10 ment for disability, unless he OR SHE is a [policeman] POLICE OFFICER,  
11 an investigator member of the New York city employees' retirement  
12 system, [fireman] FIREFIGHTER, correction officer, a qualifying member  
13 as defined in section eighty-nine-t, as added by chapter six hundred  
14 fifty-seven of the laws of nineteen hundred ninety-eight, of this chap-  
15 ter, sanitation [man] WORKER, a special officer (including persons  
16 employed by the city of New York in the title urban park ranger or asso-  
17 ciate urban park ranger), school safety agent, campus peace officer or a  
18 taxi and limousine commission inspector member of the New York city  
19 employees' retirement system or the New York city board of education  
20 retirement system, a dispatcher member of the New York city employees'  
21 retirement system, a police communications member of the New York city  
22 employees' retirement system, an EMT member of the New York city employ-  
23 ees' retirement system, a deputy sheriff member of the New York city  
24 employees' retirement system, a correction officer of the Westchester  
25 county correction department as defined in section eighty-nine-e of this  
26 chapter or employed in Suffolk county as a peace officer, as defined in  
27 section eighty-nine-s, as added by chapter five hundred eighty-eight of  
28 the laws of nineteen hundred ninety-seven, of this chapter, employed in  
29 Suffolk county as a correction officer, as defined in section eighty-  
30 nine-f of this chapter, or employed in Nassau county as a correction  
31 officer, uniformed correction division personnel, sheriff, undersheriff  
32 or deputy sheriff, as defined in section eighty-nine-g of this chapter,  
33 or employed in Nassau county as an ambulance medical technician, an  
34 ambulance medical technician/supervisor or a member who performs ambu-  
35 lance medical technician related services, as defined in section eight-  
36 y-nine-s, as amended by chapter five hundred seventy-eight of the laws  
37 of nineteen hundred ninety-eight, of this chapter, or employed in Nassau  
38 county as a peace officer, as defined in section eighty-nine-s, as added  
39 by chapter five hundred ninety-five of the laws of nineteen hundred  
40 ninety-seven, of this chapter, or employed in Albany county as a sher-  
41 iff, undersheriff, deputy sheriff, correction officer or identification  
42 officer, as defined in section eighty-nine-h of this chapter or is  
43 employed in St. Lawrence county as a sheriff, undersheriff, deputy sher-  
44 iff or correction officer, as defined in section eighty-nine-i of this  
45 chapter or is employed in Orleans county as a sheriff, undersheriff,  
46 deputy sheriff or correction officer, as defined in section  
47 eighty-nine-l of this chapter or is employed in Jefferson county as a  
48 sheriff, undersheriff, deputy sheriff or correction officer, as defined  
49 in section eighty-nine-j of this chapter or is employed in Onondaga  
50 county as a deputy sheriff-jail division competitively appointed or as a  
51 correction officer, as defined in section eighty-nine-k of this chapter  
52 or is employed in a county which makes an election under subdivision j  
53 of section eighty-nine-p of this chapter as a sheriff, undersheriff,  
54 deputy sheriff or correction officer as defined in such section eighty-  
55 nine-p or is employed in Broome County as a sheriff, undersheriff, depu-  
56 ty sheriff or correction officer, as defined in section eighty-nine-m of

1 this chapter or is a Monroe county deputy sheriff-court security, or  
2 deputy sheriff-jailor as defined in section eighty-nine-n, as added by  
3 chapter five hundred ninety-seven of the laws of nineteen hundred nine-  
4 ty-one, of this chapter or is employed in Greene county as a sheriff,  
5 undersheriff, deputy sheriff or correction officer, as defined in  
6 section eighty-nine-o of this chapter or is a traffic officer with the  
7 town of Elmira as defined in section eighty-nine-q of this chapter or is  
8 employed by Suffolk county as a park police officer, as defined in  
9 section eighty-nine-r of this chapter or is a peace officer employed by  
10 a county probation department as defined in section eighty-nine-t, as  
11 added by chapter six hundred three of the laws of nineteen hundred nine-  
12 ty-eight, of this chapter or is employed in Rockland county as a deputy  
13 sheriff-civil as defined in section eighty-nine-v of this chapter as  
14 added by chapter four hundred forty-one of the laws of two thousand one,  
15 or is employed in Rockland county as a superior correction officer as  
16 defined in section eighty-nine-v of this chapter as added by chapter  
17 five hundred fifty-six of the laws of two thousand one or is a paramedic  
18 employed by the police department in the town of Tonawanda and retires  
19 under the provisions of section eighty-nine-v of this chapter, as added  
20 by chapter four hundred seventy-two of the laws of two thousand one, or  
21 is a county fire marshal, supervising fire marshal, fire marshal,  
22 assistant fire marshal, assistant chief fire marshal or chief fire  
23 marshal employed by the county of Nassau as defined in section eighty-  
24 nine-w of this chapter, OR IS EMPLOYED IN A FULL-TIME POSITION WHICH  
25 REQUIRES CERTIFICATION AS AN EMERGENCY MEDICAL TECHNICIAN, ADVANCED  
26 EMERGENCY MEDICAL TECHNICIAN, OR PARAMEDIC BY THE TOWN OF COLONIE AND  
27 RETIRES UNDER THE PROVISIONS OF SECTION EIGHTY-NINE-X OF THIS CHAPTER  
28 and is in a plan which permits immediate retirement upon completion of a  
29 specified period of service without regard to age. Except as provided in  
30 subdivision c of section four hundred forty-five-a of this article,  
31 subdivision c of section four hundred forty-five-b of this article,  
32 subdivision c of section four hundred forty-five-c of this article,  
33 subdivision c of section four hundred forty-five-d of this article,  
34 subdivision c of section four hundred forty-five-e of this article,  
35 subdivision c of section four hundred forty-five-f of this article and  
36 subdivision c of section four hundred forty-five-h of this article, a  
37 member in such a plan and such an occupation, other than a [policeman]  
38 POLICE OFFICER or investigator member of the New York city employees'  
39 retirement system or a [fireman] FIREFIGHTER, shall not be permitted to  
40 retire prior to the completion of twenty-five years of credited service;  
41 provided, however, if such a member in such an occupation is in a plan  
42 which permits retirement upon completion of twenty years of service  
43 regardless of age, he OR SHE may retire upon completion of twenty years  
44 of credited service and prior to the completion of twenty-five years of  
45 service, but in such event the benefit provided from funds other than  
46 those based on such a member's own contributions shall not exceed two  
47 per centum of final average salary per each year of credited service.

48 S 3. Section 603 of the retirement and social security law is amended  
49 by adding a new subdivision t to read as follows:

50 T. THE SERVICE RETIREMENT BENEFIT SPECIFIED IN SECTION SIX HUNDRED  
51 FOUR OF THIS ARTICLE SHALL BE PAYABLE TO MEMBERS WITH TWENTY-FIVE OR  
52 MORE YEARS OF CREDITABLE SERVICE, WITHOUT REGARD TO AGE, WHO ARE  
53 EMPLOYED IN A FULL-TIME POSITION WHICH REQUIRES CERTIFICATION AS AN  
54 EMERGENCY MEDICAL TECHNICIAN, ADVANCED EMERGENCY MEDICAL TECHNICIAN, OR  
55 PARAMEDIC BY THE TOWN OF COLONIE IF: (I) SUCH MEMBERS HAVE MET THE MINI-  
56 MUM SERVICE REQUIREMENTS UPON RETIREMENT, AND (II) IN THE CASE OF A

1 MEMBER SUBJECT TO THE PROVISIONS OF ARTICLE FOURTEEN OF THIS CHAPTER,  
2 SUCH MEMBER FILES AN ELECTION THEREFOR WHICH PROVIDES THAT HE OR SHE  
3 WILL BE SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND TO NONE OF THE  
4 PROVISIONS OF SUCH ARTICLE FOURTEEN. SUCH ELECTION WHICH SHALL BE IRREV-  
5 OCABLE, SHALL BE IN WRITING, DULY EXECUTED AND SHALL BE FILED WITH THE  
6 COMPTROLLER WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVI-  
7 SION. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "CREDITABLE  
8 SERVICE" SHALL HAVE THE MEANING AS SO DEFINED IN BOTH SECTION  
9 EIGHTY-NINE-X OF THIS CHAPTER AND SECTION SIX HUNDRED ONE OF THIS ARTI-  
10 CLE.

11 S 4. Section 604 of the retirement and social security law is amended  
12 by adding a new subdivision u to read as follows:

13 U. THE EARLY SERVICE RETIREMENT BENEFIT FOR A MEMBER WHO IS AN EMER-  
14 GENCY MEDICAL SERVICES PROVIDER EMPLOYED BY THE TOWN OF COLONIE AS  
15 DEFINED IN SECTION EIGHTY-NINE-X OF THIS CHAPTER SHALL BE A PENSION  
16 EQUAL TO ONE-FIFTIETH OF FINAL AVERAGE SALARY TIMES YEARS OF CREDITED  
17 SERVICE AT THE COMPLETION OF TWENTY-FIVE YEARS OF CREDITED SERVICE AS  
18 SUCH EMERGENCY MEDICAL SERVICES PROVIDER, BUT NOT EXCEEDING ONE-HALF OF  
19 HIS OR HER FINAL AVERAGE SALARY. IN ADDITION THERETO, UPON RETIREMENT,  
20 EACH SUCH MEMBER SHALL RECEIVE, FOR EACH YEAR OF SERVICE IN EXCESS OF  
21 TWENTY-FIVE YEARS, A PENSION WHICH SHALL BE EQUAL TO ONE-SIXTIETH OF HIS  
22 OR HER FINAL AVERAGE SALARY. THE TOTAL ALLOWANCE PAYABLE PURSUANT TO  
23 THIS SECTION SHALL NOT EXCEED THREE-QUARTERS OF SUCH MEMBER'S FINAL  
24 AVERAGE SALARY.

25 S 5. The retirement and social security law is amended by adding a new  
26 section 607-i to read as follows:

27 S 607-I. ACCIDENTAL DISABILITY RETIREMENT FOR EMERGENCY MEDICAL  
28 SERVICES PROVIDER EMPLOYED BY THE TOWN OF COLONIE. A. A MEMBER EMPLOYED  
29 BY THE TOWN OF COLONIE IN A FULL-TIME POSITION WHICH REQUIRES CERTIF-  
30 ICATION AS AN EMERGENCY MEDICAL TECHNICIAN, ADVANCED EMERGENCY MEDICAL  
31 TECHNICIAN, OR PARAMEDIC, WHO BECOMES PHYSICALLY OR MENTALLY INCAPACI-  
32 TATED FOR THE PERFORMANCE OF DUTIES AS THE NATURAL AND PROXIMATE RESULT  
33 OF AN ACCIDENT, NOT CAUSED BY HIS OR HER WILLFUL NEGLIGENCE, SUSTAINED  
34 IN SUCH SERVICE AND WHILE ACTUALLY A MEMBER OF THE RETIREMENT SYSTEM,  
35 SHALL BE PAID AN ACCIDENTAL DISABILITY RETIREMENT ALLOWANCE EQUAL TO  
36 THREE-QUARTERS OF FINAL AVERAGE COMPENSATION AS PROVIDED IN SECTION  
37 SIXTY-THREE OF THIS CHAPTER, SUBJECT TO THE PROVISIONS OF SECTION  
38 SIXTY-FOUR OF THIS CHAPTER.

39 B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR ANY GENERAL OR  
40 SPECIAL LAW TO THE CONTRARY, ANY CONDITION OR IMPAIRMENT OF HEALTH  
41 CAUSED BY DISEASES OF THE HEART, RESULTING IN THE DISABILITY OR DEATH TO  
42 ANY MEMBER COVERED BY THIS SECTION, OR SUBDIVISION U OF SECTION SIX  
43 HUNDRED FOUR OF THIS ARTICLE PRESENTLY EMPLOYED AND WHO SHALL HAVE  
44 SUSTAINED SUCH DISABILITY WHILE SO EMPLOYED, WHO SUCCESSFULLY PASSED A  
45 PHYSICAL EXAMINATION WHICH FAILED TO DISCLOSE EVIDENCE OF ANY DISEASE OR  
46 OTHER IMPAIRMENT OF THE HEART, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS  
47 INCURRED IN THE PERFORMANCE OR DISCHARGE OF DUTY, UNLESS, THE CONTRARY  
48 CAN BE PROVEN BY COMPETENT EVIDENCE.

49 C. NOTWITHSTANDING ANY PROVISIONS OF THIS CHAPTER OR OF ANY GENERAL OR  
50 SPECIAL LAW TO THE CONTRARY, A MEMBER COVERED BY THIS SECTION OR SUBDI-  
51 VISION U OF SECTION SIX HUNDRED FOUR OF THIS ARTICLE WHO CONTRACTS HIV,  
52 TUBERCULOSIS OR HEPATITIS AFTER CONTACT WITH MEMBERS OF THE PUBLIC  
53 (WHERE THERE MAY HAVE BEEN AN EXPOSURE TO A BODILY FLUID), WILL BE  
54 PRESUMED TO HAVE CONTRACTED SUCH DISEASE IN THE PERFORMANCE OR DISCHARGE  
55 OF HIS OR HER DUTIES, AS THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT

1 SUSTAINED IN THE PERFORMANCE OF DUTIES UNLESS THE CONTRARY BE PROVEN BY  
2 COMPETENT EVIDENCE.

3 S 6. The general municipal law is amended by adding a new section  
4 207-r to read as follows:

5 S 207-R. ACCIDENTAL DISABILITY RETIREMENT FOR EMERGENCY MEDICAL  
6 SERVICES PROVIDERS EMPLOYED BY THE TOWN OF COLONIE. A. NOTWITHSTANDING  
7 ANY PROVISION OF THIS CHAPTER OR ANY GENERAL OR SPECIAL LAW TO THE  
8 CONTRARY, ANY CONDITION OR IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF  
9 THE HEART, RESULTING IN THE DISABILITY OR DEATH TO AN EMERGENCY MEDICAL  
10 SERVICES PROVIDER AS DEFINED IN SECTION EIGHTY-NINE-X OF THE RETIREMENT  
11 AND SOCIAL SECURITY LAW EMPLOYED BY THE TOWN OF COLONIE, AND WHO IS  
12 PRESENTLY EMPLOYED AND WHO SHALL HAVE SUSTAINED SUCH DISABILITY WHILE SO  
13 EMPLOYED, AND WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY  
14 INTO SERVICE AS A MEMBER COVERED BY THIS SECTION, WHICH EXAMINATION  
15 FAILED TO DISCLOSE EVIDENCE OF ANY DISEASE OR OTHER IMPAIRMENT OF THE  
16 HEART, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE  
17 PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY CAN BE PROVEN BY  
18 COMPETENT EVIDENCE.

19 B. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL OR  
20 SPECIAL LAW TO THE CONTRARY, AN EMERGENCY MEDICAL SERVICES PROVIDER AS  
21 DEFINED IN SECTION EIGHTY-NINE-X OF THE RETIREMENT AND SOCIAL SECURITY  
22 LAW EMPLOYED BY THE TOWN OF COLONIE, WHO CONTRACTS HIV, TUBERCULOSIS OR  
23 HEPATITIS AFTER CONTACT WITH MEMBERS OF THE PUBLIC (WHERE THERE MAY HAVE  
24 BEEN AN EXPOSURE TO A BODILY FLUID), WILL BE PRESUMED TO HAVE CONTRACTED  
25 SUCH DISEASE IN THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES, AS  
26 THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT SUSTAINED IN THE  
27 PERFORMANCE OF DUTIES UNLESS THE CONTRARY BE PROVEN BY COMPETENT  
28 EVIDENCE.

29 S 7. The past service cost attributable to the operation of this act  
30 shall be borne by the town of Colonie and may, at the option of the  
31 town, be paid over a five year period at the rate or rates of interest  
32 used in the actuarial valuations covering that five year time period.

33 S 8. This act shall take effect immediately, provided, however that  
34 the amendments to article 15 of the retirement and social security law  
35 made by sections three, four and five of this act shall not affect the  
36 expiration of such article and shall expire on the same date as such  
37 article expires pursuant to section 615 of the retirement and social  
38 security law.

FISCAL NOTE.-- This bill will permit certain full-time emergency  
medical technicians, advanced emergency medical technicians or paramed-  
ics employed by the Town of Colonie to retire upon completion of 25  
years of creditable service. For all eligible Tier 3 members who elect  
to forfeit their benefits under Article 14 and all eligible Tier 1, 2  
and 4 members, the benefit upon retirement will be an allowance of one-  
half final average salary. In addition, members who render service in  
excess of 25 years of service will receive an additional pension of  
one-sixtieth of final average salary for each year of service in excess  
of 25, limited to 15 such years. There will be no reduction due to early  
service retirement for these members. In addition, this bill will  
provide a 75% of final average salary accidental disability benefit,  
less workers' compensation. The improved disability will include the  
assumption of accident if the disability is due to HIV, tuberculosis or  
hepatitis. The assumption of accident will also apply to heart disabili-  
ties, but the member would have to prove that such heart related disa-  
bility was the result of an accident. In addition, this bill will allow  
such full-time employees to purchase similar full-time service from

other employers as well as any part-time emergency medical technician service with the Town of Colonie.

If this bill is enacted, we anticipate that there will be an increase of approximately \$54,000 in the annual contributions of the Town of Colonie for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$399,000 which would be borne by the Town of Colonie. If this cost is amortized over a period of five (5) years, the cost for the first year, including interest, will be approximately \$92,600.

These estimated costs are based on 41 full-time members having an estimated total annual salary for the fiscal year ending March 31, 2009 of approximately \$2.6 million.

This estimate, dated January 20, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No, 2009-94, prepared by the Actuary for the New York State and Local Employees' Retirement System.