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

5085

2011-2012 Regular Sessions

I N A S S E M B L Y

February 11, 2011

Introduced by M. of A. ABBATE -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, CLARK, COLTON, COOK, CYMBROWITZ, GABRYSZAK, HOOPER, PHEFFER, REILLY, J. RIVERA, SCHROEDER, TITONE, WEISENBERG -- read once and referred to the Committee on Governmental Employees

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:

Section 1. Subdivision a of section 63-a of the retirement and social security law, as added by chapter 722 of the laws of 1996, is amended to read as follows:

a. Any member in the uniformed personnel in institutions under the jurisdiction of the department of correctional services or a security hospital treatment assistant, as those terms are defined in subdivision i of section eighty-nine of this article OR A MEMBER EMPLOYED BY THE STATE IN THE DEPARTMENT OF CORRECTIONAL SERVICES, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties by, or as the natural and proximate result of an act of any inmate or any person confined in an institution under the jurisdiction of the department of correctional services or office of mental health, or by any person who has been committed to such institution by any court shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this title, subject to the provisions of section sixty-four of this title.

S 2. Subdivision a of section 444 of the retirement and social security law, as amended by chapter 625 of the laws of 2007, is amended to read as follows:

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

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a. Except as provided in subdivision c of section four hundred forty-five-a of this article, subdivision c of section four hundred forty-five-b of this article, subdivision c of section four hundred forty-five-c of this article, subdivision c of section four hundred forty-five-d of this article as added by chapter four hundred seventy-two of the laws of nineteen hundred ninety-five, subdivision c of section four hundred forty-five-e of this article, subdivision c of section four hundred forty-five-f of this article and subdivision c of section four hundred forty-five-h of this article, the maximum retirement benefit computed without optional modification provided to a member of a retirement system who is subject to the provisions of this article, other than a police officer, a firefighter, an investigator member of the New York city employees' retirement system, a member of the uniformed personnel in institutions under the jurisdiction of the New York city department of correction who receives a performance of duty disability retirement allowance, a member of the uniformed personnel in institutions under the jurisdiction of the department of correctional services or a security hospital treatment assistant, as those terms are defined in subdivision i of section eighty-nine of this chapter OR A MEMBER EMPLOYED BY THE STATE IN THE DEPARTMENT OF CORRECTIONAL SERVICES, who receives a performance of duty disability retirement allowance, a member of a teachers' retirement system, New York city employees' retirement system, New York city board of education retirement system or a member of the New York state and local employees' retirement system or a member of the New York city employees' retirement system or New York city board of education retirement system employed as a special officer, parking control specialist, school safety agent, campus peace officer, taxi and limousine inspector or a police communications member and who receives a performance of duty disability pension, from funds other than those based on a member's own or increased-take-home-pay contributions, shall, before any reduction for early retirement, be sixty per centum of the first fifteen thousand three hundred dollars of final average salary, and fifty per centum of final average salary in excess of fifteen thousand three hundred dollars, and forty per centum of final average salary in excess of twenty-seven thousand three hundred dollars, provided, however, that the benefits provided by subdivision c of section four hundred forty-five-d of this article as added by chapter four hundred seventy-two of the laws of nineteen hundred ninety-five based upon the additional member contributions required by subdivision d of such section four hundred forty-five-d shall be subject to the maximum retirement benefit computations set forth in this section. The maximum retirement benefit computed without optional modification payable to a police officer, an investigator member of the New York city employees' retirement system or a firefighter shall equal that payable upon completion of thirty years of service, except that the maximum service retirement benefit computed without optional modification shall equal that payable upon completion of thirty-two years of service.

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

a. Any security hospital treatment assistant, as that term is defined in subdivision i of section eighty-nine of this chapter OR A MEMBER EMPLOYED BY THE STATE IN THE DEPARTMENT OF CORRECTIONAL SERVICES, who becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result, of an injury, sustained in the performance or discharge of his or her duties by, or as the natural

and proximate result of, an act of any person confined in an institution under the jurisdiction of the office of mental health, or by any person who has been committed to such institution by any court shall be paid a performance of duty disability retirement allowance equal to that which is provided in section sixty-three of this chapter, subject to the provisions of section sixty-four of this chapter.

S 4. This act shall take effect immediately.

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, or any impairment of health caused by diseases of the heart, 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 $10.3 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2012.

This estimate is based on approximately 10,551 non-correction officers employed by the State Department of Correctional Services with an estimated annual salary for the fiscal year ending March 31, 2010 of approximately $524 million.

This estimate, dated November 24, 2010 and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-31, prepared by the Actuary for the New York State and Local Employees' Retirement System.