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

6425--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees -- recommitted to the Committee on Governmental Employees in accordance with Assembly Rule 3, sec. 2 -- 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 disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers

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

Section 1. Subdivision a of section 607-c of the retirement and social security law, as added by chapter 639 of the laws of 1999, is amended to read as follows:

a. Any sheriff, deputy sheriff, undersheriff or correction officer as defined in subdivision a of section sixty-three-b of this chapter, and who are employed in a county which makes an election pursuant to subdivision d of such section sixty-three-b, 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 any act of any inmate or any person confined in an institution under the jurisdiction of such county, OR AS THE NATURAL AND PROXIMATE RESULT OF AN INJURY SUSTAINED IN THE PERFORMANCE OF DISCHARGE OF ANY ACT PERFORMED AT THE DIRECTION OF A SUPERVISOR REGARDLESS OF WHETHER SUCH ACT IS WITHIN SHERIFF'S, DEPUTY SHERIFF'S, UNDERSHERIFF'S OR CORRECTION OFFICER'S NORMAL SCOPE OF DUTIES 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 2. This act shall take effect immediately.

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

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

LBD10149-02-2

This bill would allow any sheriff, deputy sheriff, undersheriff or correction officer who is currently covered under the provisions of Section 607-c of the Retirement and Social Security Law to receive a performance of duty disability benefit of 75% of final average salary, less worker's compensation. Currently, Section 607-c provides this 75% of pay benefit only if the disability is the result of an act of an inmate.

If this bill is enacted, we anticipate that there will be an increase in the annual contributions of counties which have elected to provide the benefits of Section 607-c of approximately 2.8% of payroll of the affected members for the fiscal year ending March 31, 2013.

In addition to the annual cost above, there will be immediate one-time past service costs to the affected counties which will range from approximately 6.0% to 14.4% of the payroll of the affected members, depending on their plan coverage.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributors of membership and other statistics displayed in the 2011 Report of the Actuary and 2011 Comprehensive Annual Financial Report.

Assumptions and Methods: 2010 and 2011 Annual Report to the Comptroller on Actuarial Assumptions, Codes Rules and Regulations of the State of New York: Audit and Control.

Market Assets and GASB Disclosures: March 31, 2011 New York State and Local Retirement System Financial Statements and Supplementary Information.

Valuations of Benefit Liabilities and Actuarial Assets: summarized in the 2011 Actuarial Valuations report.

I am a member of the American Academy of Actuaries and meet the Qualifications Standards to render the actuarial opinion contained herein.

This estimate, dated December 13, 2011, and intended for use only during the 2012 Legislative Session, is Fiscal Note Number 2012-40 prepared by the Actuary for the New York State and Local Employees' Retirement System.