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

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I N A S S E M B L Y

April 20, 2012

Introduced by M. of A. THIELE, ENGLEBRIGHT, RAMOS, SWEENEY, GRAF, LOSQUADRO, MURRAY, RAIA -- Multi-Sponsored by -- M. of A. CONTE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to performance of duty disability retirement allowance for deputy sheriffs employed by Suffolk county

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] EXCEPT THOSE DEPUTY SHERIFFS DESCRIBED IN SUBDIVISION A-1 OF THIS SECTION, 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, 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. Section 607-c of the retirement and social security law is amended by adding a new subdivision a-1 to read as follows:

A-1. ANY DEPUTY SHERIFF EMPLOYED BY THE SUFFOLK COUNTY SHERIFF'S OFFICE 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, 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.

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

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S 3. All costs associated with implementing the provisions of this act shall be borne by the county of Suffolk.

S 4. This act shall take effect immediately.

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

This bill would grant Tier 3, 4, 5 and 6 deputy sheriffs employed by Suffolk County a disability benefit for injuries sustained in the performance of duty. The disability benefit would be 75% of final average salary less worker's compensation.

If this bill is enacted during the 2012 session, there will be an estimated increase of approximately $300,000 in the annual contributions of Suffolk County for the fiscal year ending March 31, 2013.

These estimated costs are based on two hundred seventy four (274) members having an annual salary for the fiscal year ending March 31, 2012 of approximately $31.9 million.

Summary of relevant resources:

Data: March 31, 2011 Actuarial Year End File with distributions 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 Qualification Standards to render the actuarial opinion contained herein.

This estimate, dated March 23, 2012 and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-122, prepared by the Actuary for the New York State and Local Employees' Retirement System.