

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

5739--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 28, 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 providing three-quarters of pension for police officers and firefighters who contract methicillin resistant staphylococcus aureus

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 363-ddd to read as follows:
3 S 363-DDD. IMPAIRMENTS OF HEALTH; PRESUMPTION; STAPH/MRSA. NOTWITH-
4 STANDING ANY PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR
5 LOCAL LAW TO THE CONTRARY, ANY POLICE OFFICER OR FIREFIGHTER WHO IS
6 COVERED BY THE PROVISIONS OF SECTION THREE HUNDRED SIXTY-THREE OF THIS
7 TITLE AND WHO CONTRACTS METHICILLIN RESISTANT STAPHYLOCOCCUS AUREUS
8 (MRSA) OR STAPH/MRSA WILL BE PRESUMED TO HAVE CONTRACTED SUCH DISEASE IN
9 THE PERFORMANCE OR DISCHARGE OF HIS OR HER DUTIES AS THE NATURAL AND
10 PROXIMATE RESULT OF AN ACCIDENT AND TO BE DISABLED FROM THE PERFORMANCE
11 OF HIS OR HER DUTIES UNLESS THE CONTRARY BE PROVEN BY COMPETENT
12 EVIDENCE.

13 S 2. This act shall take effect immediately.

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

This bill will affect certain members of the New York State and Local Police and Fire Retirement System by presuming that contracting MRSA or Staph/MRSA will qualify them for an accidental disability retirement, unless the contrary be proven by competent evidence.

If this bill is enacted, we anticipate that few additional accidental disability retirements will be granted, and thus, the resulting costs will be negligible.

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

LBD09554-02-2

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 December 16, 2011, and intended for use only during the 2012 Legislative Session, is Fiscal Note No. 2012-52, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.