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

March 4, 2011

Introduced by M. of A. MARKEY, MILLMAN, PHEFFER, JAFFEE, BENEDETTO, BOYLAND, SCHIMEL, PERRY, HOOPER, ZEBROWSKI, CUSICK, DenDEKKER -- Multi-Sponsored by -- M. of A. COOK, GIBSON, HEASTIE, WEISENBERG -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

Section 1. Subdivision c of section 208-f of the general municipal law, as amended by chapter 439 of the laws of 2010, is amended to read as follows:

c. Commencing July first, two thousand [ten] ELEVEN the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member (as increased pursuant to subdivision b of this section) in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[165.2%] 173.2%
1978	[157.5%] 165.2%
1979	[150.0%] 157.5%
1980	[142.7%] 150.0%
1981	[135.7%] 142.7%
1982	[128.8%] 135.7%
1983	[122.1%] 128.8%
1984	[115.7%] 122.1%
1985	[109.4%] 115.7%
1986	[103.3%] 109.4%
1987	[97.4%] 103.3%
1988	[91.6%] 97.4%
1989	[86.0%] 91.6%

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

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1990	[80.6%] 86.0%
1991	[75.4%] 80.6%
1992	[70.2%] 75.4%
1993	[65.3%] 70.2%
1994	[60.5%] 65.3%
1995	[55.8%] 60.5%
1996	[51.3%] 55.8%
1997	[46.9%] 51.3%
1998	[42.6%] 46.9%
1999	[38.4%] 42.6%
2000	[34.4%] 38.4%
2001	[30.5%] 34.4%
2002	[26.7%] 30.5%
2003	[23.0%] 26.7%
2004	[19.4%] 23.0%
2005	[15.9%] 19.4%
2006	[12.6%] 15.9%
2007	[9.3%] 12.6%
2008	[6.1%] 9.3%
2009	[3.0%] 6.1%
2010	[0.0%] 3.0%
2011	0.0%

S 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 439 of the laws of 2010, is amended to read as follows:

c. Commencing July first, two thousand [ten] ELEVEN the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	[165.2%] 173.2%
1978	[157.5%] 165.2%
1979	[150.0%] 157.5%
1980	[142.7%] 150.0%
1981	[135.7%] 142.7%
1982	[128.8%] 135.7%
1983	[122.1%] 128.8%
1984	[115.7%] 122.1%
1985	[109.4%] 115.7%
1986	[103.3%] 109.4%
1987	[97.4%] 103.3%
1988	[91.6%] 97.4%
1989	[86.0%] 91.6%
1990	[80.6%] 86.0%
1991	[75.4%] 80.6%
1992	[70.2%] 75.4%
1993	[65.3%] 70.2%
1994	[60.5%] 65.3%
1995	[55.8%] 60.5%
1996	[51.3%] 55.8%
1997	[46.9%] 51.3%
1998	[42.6%] 46.9%

1999	[38.4%] 42.6%
2000	[34.4%] 38.4%
2001	[30.5%] 34.4%
2002	[26.7%] 30.5%
2003	[23.0%] 26.7%
2004	[19.4%] 23.0%
2005	[15.9%] 19.4%
2006	[12.6%] 15.9%
2007	[9.3%] 12.6%
2008	[6.1%] 9.3%
2009	[3.0%] 6.1%
2010	[0.0%] 3.0%
2011	0.0%

S 3. This act shall take effect July 1, 2011.

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

This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2011.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately $372,000 above the approximately $8.3 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

This estimate, dated January 21, 2011 and intended for use only during the 2011 Legislative Session, is Fiscal Note No. 2011-26, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

Pursuant to Legislative Law, Section 50:

PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW:

With respect to the City of New York (the "City"), this proposed legislation would amend the General Municipal Law ("GML") Section 208-f.c to increase certain Special Accidental Death Benefits ("SADB") for line-of-duty widows/widowers and/or children of former uniformed employees of the City and the New York City Health and Hospitals Corporation and certain former employees of the Triborough Bridge and Tunnel Authority who were members of certain New York City Retirement Systems ("NYCRS").

In addition, the proposed legislation would amend Retirement and Social Security Law Section 361-a.c to cover such SADB for certain survivors of deceased members of the New York State and Local Police and Fire Retirement System.

The Effective Date of the proposed legislation would be July 1, 2011.

IMPACT ON BENEFITS - SADB RECIPIENTS: With respect to the NYCRS, the proposed legislation would impact the SADB payable to certain survivors of members of the:

* New York City Employees' Retirement System ("NYCERS"), or
* New York City Police Pension Fund ("POLICE"), or
* New York City Fire Department Pension Fund ("FIRE"), and

who were employed by one of the following employers in certain positions:

* New York City Police Department - Uniformed Position,
* New York City Fire Department - Uniformed Position,
* New York City Housing Authority - Uniformed Position,
* New York City Transit Authority - Uniformed Position,

* New York City Department of Correction - Uniformed Position,
* (New York City - Uniformed Position as Emergency Medical Technician ("EMT"),
* New York City Health and Hospitals Corporation - Uniformed Position as EMT, or
* Triborough Bridge and Tunnel Authority - Bridge and Tunnel Position.

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the basic SADB is defined to equal:

The salary of the deceased member at date of death (or, in certain instances, a greater salary based on rank or other status) ("Final Salary"), less:

* Any death benefit as adjusted by any Supplementation or Cost-of-Living Adjustment ("COLA") paid by the NYCRS to the member's survivors,
* Any death benefit paid by Social Security to the member's survivors, and
* Any Worker's Compensation benefit paid to the member's survivors.

The SADB is paid to the deceased member's surviving widow or widower, if alive. If the widow/widower is no longer alive, then the SADB is paid to the deceased member's children until age eighteen or while attending school until age twenty-three.

The GML also provides that the SADB is subject to escalation based on the calendar year of death of the member. Each year since Calendar Year 1979 the SADB has been increased by an additional cumulative, incremental percentage of Final Salary. For example, for a covered member deceased in Calendar Year 1979, the SADB cumulative percentage is 150.0% of Final Salary as of July 1, 2010.

Under the proposed legislation, the additional, cumulative, incremental percentage of Final Salary to be effective July 1, 2011 would be 3.0%.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS ("APVB"): With respect to NYCRS members under the actuarial assumptions and methods as noted herein, the enactment of this proposed legislation would increase APVB by approximately $24.4 million as of June 30, 2011.

FINANCIAL IMPACT - EMPLOYER PAYMENTS: With respect to the NYCRS, as these SADB are provided on a pay-as-you-go basis, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately $2.4 million.

Note: These additional payments represent an increase of approximately 5.0% in the annual rate of SADB being paid.

The SADB payments are made by the NYCRS who are reimbursed by the City who is then reimbursed by the State of New York.

OTHER COSTS: The enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of NYCERS, POLICE, FIRE, the employers and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census data for such widows, widowers and children provided by the NYCRS and adjusted, as necessary, to prepare the computations and for consistency with other data.

The following table shows, by Retirement System as of June 30, 2010, the number of deceased members with eligible survivors and the estimated annual SADB rate prior to the increase proposed to be effective as of July 1, 2011.

Table 1
SADB Census Data as of June 30, 2010
($ Millions)

Retirement System	Number of Deceased Members with Eligible Survivors	Annual SADB Rate Prior to Proposed July 1, 2011 Increase
NYCERS	28	$1.1
POLICE	296	13.9
FIRE	608	33.8
Total	932	$48.8

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB have been computed based on the actuarial assumptions and methods in effect for the June 30, 2010 (Lag) actuarial valuations of NYCERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2012 employer contributions, including an Actuarial Interest Rate ("AIR") assumption of 8.0% per annum.

The demographic actuarial assumptions were adopted by the Board of Trustees of each NYCRS during Fiscal Year 2006 and the AIR assumption was enacted by the New York State Legislature and Governor and continues in effect.

ACTUARIAL ASSUMPTIONS - UPDATE: The impact of enactment of the proposed legislation provided in this Fiscal Note has been based on the current actuarial assumptions and methods used to determine employer contributions to the NYCRS.

Historically, actuarial assumptions and methods have been reviewed on average every five years in connection with an actuarial experience study mandated by New York City Charter Section 96.

Following this review, the Actuary generally proposes changes in actuarial assumptions and methods that he believes appropriate and reasonably related to such experience period and future expectations.

The next such review is anticipated during Fiscal Year 2012 and the Actuary is likely to propose new packages of actuarial assumptions and methods to be effective for use in determining employer contributions beginning Fiscal Year 2012.

As such, not all assumptions employed in determining the results contained in this Fiscal Note represent the Actuary's current best estimate of future experience. However, the assumptions used to determine the results contained herein are generally those adopted by the NYCRS Boards of Trustees and enacted by the New York State Legislature and Governor.

Finally, the actuarial assumptions currently employed for determining employer contributions do not represent risk-adjusted, economic evaluations. Such risk-adjusted, economic evaluations could, for certain components of the proposed legislation, produce results that differ significantly from the results shown herein.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2011 Legislative Session. It is Fiscal Note 2011-06, dated February 17, 2011, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and the New York City Fire Department Pension Fund.